

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): <b>NELSON, Robert W.</b>	Group Art Unit: <b>3688</b>
App. No.: <b>10/661,302</b>	Examiner: <b>LASTRA, D.</b>
Filed: <b>September 11, 2003</b>	Conf.: <b>7815</b>
Title: <b>ADVERTISING SYSTEM</b>	

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Sir:

**APPELLANT’S APPEAL BRIEF UNDER 37 CFR §41.37**

In accordance with the Notice of Appeal to the Board of Patent Appeals and Interferences dated February 24, 2009 in the above-identified U.S. Patent Application, Appellant hereby presents the Appellant’s Appeal Brief under 37 CFR §41.37. The APPELLANT’S APPEAL BRIEF is submitted with copies of each reference discussed and a copy of the Final Office Action as well as the appropriate fees required under 37 CFR §41.20(b)(2).

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**REAL PARTY IN INTEREST**

Robert W. NELSON, an individual, is the real party in interest and owner of the above-identified application.

**RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known which will be affected by this appeal.

### **STATUS OF CLAIMS**

1. Claims 12 and 14-19 are pending. Claims 1 and 3-11 have been cancelled. No claims are objected to, allowed, or withdrawn. In the Final Office Action dated November 25, 2008, the Examiner has indicated that claims 12 and 14-19 stand finally rejected. More specifically, claims 12 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Magazine Advertising Guide for Small ISVs in view of Evans (U.S. Pub No. 2002/0036654).

2. The claims under appeal include claims 12, and 14-19.

**STATUS OF AMENDMENTS**

The latest amendments to the claims submitted in a Response dated September 10, 2008 have been entered. Appellant is filing an amendment in accordance with 37 C.F.R. § 1.116(b)(1) concurrently with this Appeal Brief cancelling Claims 1 and 3 through 11. No other amendments have been submitted since the September 10, 2008 Amendment.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

In accordance with 37 CFR § 41.37(v), Appellant provide a brief summary of each independent claim involved in the appeal, where each summary refers to the Specification by page and line number and to the drawings, as necessary, by reference number. Appellant notes that this "Summary of claimed subject matter" is provided only to assist the Board in identifying some portions of the Specification related to the particular claims. In the interest of brevity, each claim summary does not necessarily include all references to all relevant portions of the Specification and drawings. Accordingly, omission of any reference to the Specification or to the drawings should not be construed in any way as an intent to relinquish claim scope, or as an implication or statement regarding the conformance with 35 U.S.C. §112. Appellant respectfully submits that the claims should not be construed as being limited to the embodiments described or referenced in any claim summary, and further submit that other embodiments, as well as the Doctrine of Equivalents, may apply in determining claim scope.

#### **Claim 12**

The subject matter of claim 12 is directed to an advertising system for a consumer using a communication device linked to a server which stores and displays advertisement for a party and increases the size of the advertisement and charges the party less for the cost of the increased size of the advertisement in all cases where the party provides a discount to the consumer on the subject matter of the advertisement (Specification, page 11, lines 11-12 and 19-21; page 16, lines 16-19; page 17, lines 14-20; page 18, lines 12-19; page 19, lines 10-22; page 20, lines 11-19; page 22, line 8 through page 23, line 19; Figures 4A through 4D, reference characters 42, 44, and 46),

#### **Claim 14**

The subject matter of claim 14 is directed to an advertising system for a consumer of Claim 12 wherein the discount amount ranges from between none to approximately 90% (Specification page 23, lines 6-8).

**Claim 15**

5           The subject matter of claim 15 is directed to an advertising system for a consumer of Claim 12 wherein the decreases in advertising cost are from between none in cases of no discount to approximately 100% as the discount incrementally increases (Specification page 23, lines 11-17).

**Claim 16**

10           The subject matter of claim 16 is directed to an advertising system for a consumer of Claim 12 wherein the increases in advertising size is between none to any incrementally greater size as the discount is incrementally increased (Specification page 22, lines 8-16; and page 23, lines 18-19).

**Claim 17**

15           The subject matter of claim 17 is directed to an advertising system for a consumer of Claim 12 wherein the server is programmed to request additional information from the consumer, to permit the consumer to select a discount amount dependent on the information provided by the consumer, to store the information, and to make the information available to the party (Specification page 13, line 12 through page 14, line 23; Figure 1, reference characters 12, 14,  
20   16, 18. and directional arrows I through S).

**Claim 18**



The subject matter of claim 18 is directed to an advertising system for a consumer of Claim 12 wherein the server is programmed to provide a certificate to the consumer which reflects the consumer's discount selection and is contingent to, and based on, the information provided by the consumer (Specification page 14, lines 4-14; and Figure 1, reference characters 12, 14, 16 and directional arrows P through Q).

**Claim 19**

The subject matter of claim 19 is directed to an advertising system for a consumer of Claim 12 wherein the server is programmed to compile a report for the party which comprises a value between the cost of the advertising for the party and the frequency of discount certificates on the subject matter of the advertisement (Specification page 14, line 15 through page 15, line 9; and Figure 1, reference characters 14, 18 and directional arrow S).

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Appellant wishes the Board of Patent Appeals and Interferences to review the following grounds of rejection on appeal:

1. Grounds of rejection in rejecting claims 12 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over Magazine Advertising Guide for Small ISVs in view of Evans (U.S. Pub No. 2002/0036654).

### ARGUMENT

Appellant respectfully submits that claims 12 and 14-19 are allowable over the cited portions of the cited references. The issues presented for review are addressed below.

#### REJECTION OF CLAIMS 12 AND 14-19 UNDER 35 U.S.C. §103(A) - (“MAGAZINE ADVERTISING GUIDE FOR SMALL ISVs” AND “KING”) IS IMPROPER

5           The Examiner rejected claims 12 and 14-19 under 35 U.S.C. 103(a) as being unpatentable over Magazine Advertising Guide for Small ISVs (Guide) in view of Evans, U.S. Pub No. 2002/0036654 (Evans (‘654)).

Appellant respectfully submits that the rejection is improper, and in particular as to the Guide, for at least the following reason:

10           A. The cited portions of Guide and King (‘654), taken alone or in combination, fail to teach or suggest a larger ad at a lower cost if the party placing the ad offers a discount to the consumer who purchases the party’s product or service; and further, the greater the discount to the consumer, the larger the ad with an even lower price for that ad.

15           Page 6 of the Guide, lines 9 through 29, are germane to the Examiner’s rationale for rejection. At line 6, it begins with a statement that the bigger the ad, the more expensive it is and that statement is prefaced with the word “**obviously**”. It also provides for discounts to a same-sized ad **only** if the same ad is run more than one time and generally to receive the discount, the ad should be run six or more times and it makes no mention of increased ad size. In other words, the longer the commitment, the more likely it is that, for the same sized ad, a discount to the cost  
20           of the ad, per ad, will be given.

**Nowhere** in the Guide does it provide for, in any manner whatsoever, charging less as size increases in cases where the party [merchant] is providing a discount to a consumer. In Appellant's concept, there is **no requirement for a long term commitment**. The Guide does suggest a lower advertising charge may be given **provided** a long-term commitment is executed  
5 [see page 6, lines 17-22 of the Guide].

The Guide also clearly states that it is **obvious** that the cost of an ad will increase with an increase in size. The Guide clearly and obviously teaches away from the non-obvious, the unheard-of concept of charging less for the ad while giving more in size when the party provides to the consumer a discount to the purchase price of the party's product or service. Moreover, if a  
10 longer-term contract is canceled by a party, as per the Guide, the party "...will have to pay a "short rate" penalty." No one will "...let you run 6 insertions [ads] at a 12X rate...and perhaps [the party will pay] a little more for [the] trouble." [see page 6, lines 27-29]. No one except in Appellant's advertising system.

In addition, the greater discount the party is willing to give a consumer will translate to  
15 [1] a greater discount in ad cost **and** [2] a larger sized ad. This also is nowhere to be found in the Guide. It is neither implied, suggested, or taught--it just does not exist in the Guide. At best it is an unsupported inference.

In the Advisory Action the Examiner has stated that all the above is obvious in that a publisher [Appellant in our case] may set any advertising rates to be charged to the party  
20 [merchant of products or services] the publisher desires having only three options in so doing: [1] higher cost to the party for larger ads; [2] lower costs to the party for larger ads; [3] and same costs for all parties for all sizes. The concept of party-discounts to consumers having a direct impact on lower the cost of the ad to the party is a limitation that does not fall within the above three enumerated parameters.

25 Advertising in this society, and others similarly situation, has been an on-going long-time business. Nowhere or ever, has a publisher offered to a party greater advertising sizes at lower

costs as the advertising size increases in cases where the party placing the ad provides discounts to consumers. Lower cost for an ad in Appellant's concept has absolutely nothing to do with long-term commitments. Had such a concept been so obvious, in the course of these many years of advertising, it would have happened.

5           The feature of lowering the total cost of the ad in instances where the merchant/advertiser is willing to give the consumer a discount for the purchase of the merchant/advertiser's product or services is non-existent in the prior art. Appellant contends that these features of providing a greater observable size at less in total cost for an advertisement regardless of its duration [*i.e.*, long-term commitment requirement] if a discount is offered by the merchant/advertiser to the  
10           consumer is novel and such novelty is not obvious. Moreover, the greater the discount being offered by the merchant/advertiser will lower, even more, the total cost for the advertisement.

          The failure of the cited art to teach or suggest each and every feature of a claim is fatal to an obviousness rejection under 35 U.S.C. § 103. For example, section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. For a  
15           proper rejection, this "consideration" requires that the Examiner find that the cited art teaches or suggests each and every claim feature. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). As the Board of Patent Appeals and Interferences has recently confirmed, a proper obviousness determination requires that an  
20           Examiner make "a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art." See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995)(emphasis in original). Further, the necessary presence of all claim features is axiomatic, since the Supreme Court has long held that obviousness is a question of law based on underlying factual inquiries, including . . . ascertaining  
25           the differences between the claimed invention and the prior art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966) (emphasis added).

Appellant submits that this is why Section 904 of the MPEP instructs Examiners to conduct an art search that covers “the invention as described and claimed.” (Emphasis added). Further, Appellant respectfully directs attention to MPEP § 2143, the instructions of which buttress the conclusion that obviousness requires at least a suggestion of all of the features of a claim, since the Supreme Court in *KSR Int’l v. Teleflex Inc.* stated that “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Accordingly, it remains well-settled law that an obviousness rejection requires at least a suggestion of all of the features in a claim. See *In re Wada and Murphy*, citing *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) and *In re Royka*, 490 F.2d 981, 985 (CCPA 1974).

For the reasons discussed below, Appellant respectfully submits that Guide and Evans (‘654) fail to teach or suggest, either alone or in combination, all the limitations of any of the rejected claims. In light of the foregoing, Appellant respectfully requests withdrawal of the rejection of claim 12.

Inasmuch as Claims 14-19 depend from claim, Appellant respectfully submits that claims 14-19 are allowable for at least the reason that these claims depend from an allowable base claim.

**Conclusion**

Appellant respectfully submit that the pending claims are allowable and that the rejections should be reversed.

Respectfully Submitted,

/Frank G. MORKUNAS/

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## **CLAIMS APPENDIX**

### **Claims**

12. An advertising system comprising:

a consumer communication device;

a server to which a consumer may link and initiate a consumer inquiry using said consumer communication device; and

wherein said server is programed to charge to a party an advertising cost for an advertising size and to receive from said party one or more discount amount to an asking price for a subject matter of said advertisement and offering said one or more discount amount to said consumer, wherein each incrementally larger of said discount amount offered by said party to said consumer generates an incremental increase in said advertising size and an incremental decrease in said advertising cost.

14. The advertising system of Claim 12 wherein said discount amount ranges from between none to approximately 90% of said asking price.

15. The advertising system of Claim 14 wherein decreases to said advertising cost are between approximately none when said discount amount is none and up incrementally to 100% as said discount amount is incrementally increased.

16. The advertising system of Claim 14 wherein increases to said advertising size over a basic size are between none when said discount amount is none and up incrementally, as overall space for an increase in said advertising size permits, as said discount amount is incrementally increased.



17. The advertising system of Claim 12 further comprises said server programed to request additional information from said consumer and, dependent on answers provided by said consumer, to permit said consumer to select one or more of said one or more discount amount and storing said answers as information about said consumer and making said information  
5 available to said party.

18. The advertising system of Claim 17 further comprises said server programed to provide to said consumer a certificate reflecting said selection and based on said information.

19. The advertising system of Claim 18 further comprises said server programed to compile a report to said party wherein said report comprises a value between said advertising cost and a  
10 frequency of certificates provided on each subject matter of said advertisement.

## **EVIDENCE APPENDIX**

### **Evidence**

1. Final Office Action dated November 25, 2008 which includes Magazine Advertising Guide for Small ISVs.

2. Advisory Action dated January 29, 2009.

3. U.S. Publication No. 2002/0036654 (Evans)



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,302	09/11/2003	Robert W. Nelson	NELSR-P01	7815

23653 7590 11/25/2008  
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EXAMINER
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LAstra, DANIEL

ART UNIT	PAPER NUMBER
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3688

MAIL DATE	DELIVERY MODE
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11/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/661,302	NELSON, ROBERT W.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1, 3-12 and 14-19 have been examined. Application 10/661,302 (ADVERTISING SYSTEM) has a filing date 09/11/2003.

***Response to Amendment***

2. In response to Non Final rejection filed 06/20/2008, the Applicant filed an Amendment on 09/10/2008, which amended claims 1, 3-7, 10-12, 16-19 and cancel claims 2 and 13.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magazine Advertising Guide for Small ISVs

([http://www.ericpink.com/Magazine\\_Advertising.html](http://www.ericpink.com/Magazine_Advertising.html)) in view of Evans (US 20020036654).

Claim 1, Magazine Advertising Guide teaches:

An advertising system comprising:

charge an advertising cost for an advertising size *wherein said advertising cost incrementally decreases for each incremental increase in said advertising size* (see page 6).

Magazine Advertising Guide does not expressly teach:

*A consumer communication device; a server to which a consumer may link and initiate a consumer inquiry using said consumer communication device and wherein said server stores an advertisement for a party and is programmed to provide an advertising size to a said party for said advertisement. However, Evans teaches that it is old and well known in the promotion art for advertisers to use computers to access an online web server in order to create and select advertisements to be published in different mediums (see paragraph 60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that advertisers in the Magazine Advertising Guide would use computers to access an online web server in order to create and select advertisements to be published in different mediums, as Evans teaches that it is old and well known to do so.*

Claim 3, Magazine Advertising Guide teaches:

*offer one or more discount amount to said consumer through said server to said consumer communication device on an asking price for a subject matter of said advertisement (see page 6).*

Claim 4, Magazine Advertising Guide teaches:

*request additional information from said consumer and dependent on answers provided by said consumer, to permit said consumer to select one or more of said one or more discount amount and storing said answers as information about said consumer and making said information available to said party (see page 6 "contract").*

Claim 5, Magazine Advertising Guide teaches:

*provide* to said consumer a certificate reflecting said selection and based on said information (see page 6 "contract").

Claim 6, Magazine Advertising Guide teaches:

compile a report to said party wherein said report comprises a value between said advertising cost and a frequency of certificates provided on each subject matter of said advertisement (see page 6 "6 insertions at a 12x rate"; see page 7 "graph about the response rate to a magazine ad").

Claim 7, Magazine Advertising Guide teaches:

receive from said party a discount amount for said consumer to an asking price for a subject matter of said advertisement wherein a larger of said discount amount *given by said party* generates an increase in said advertising *size for said party* and a decrease in said advertising cost for said party(see page 6).

Claim 8, Magazine Advertising Guide teaches:

wherein said discount amount ranges from between none to approximately 90% of said asking price (see page 6).

Claim 9, Magazine Advertising Guide teaches:

wherein decreases to said advertising cost are between approximately none when said discount amount is none and up incrementally to 100% as said discount amount is incrementally increased (see page 6)

Claim 10, Magazine Advertising Guide teaches:

wherein increases to said advertising size over a basic size are between none when said discount amount is none and up incrementally, as overall space permits, as said discount amount is incrementally increased (see page 6).

Claim 11, Magazine Advertising Guide teaches:

compile a report to said party wherein said report comprises a value between said advertising cost and a frequency of consumer requests for a discount to any asking price for any one subject matter of said advertisement (see page 6 "contract"; page 7 "graph about the response rate to a magazine ad").

Claim 12, Magazine Advertising Guide teaches:

An advertising system comprising:

receive from a party one or more discount amount to an asking price for a subject matter of said advertisement and offering said one or more discount amount to said consumer, wherein each incrementally larger of said discount amount offered by said party to said consumer generates an incremental increase in said advertising size and an incremental decrease in said advertising cost (see page 6).

Magazine Advertising Guide does not expressly teach:

A consumer communication device;

A server to which a consumer may link and initiate a consumer inquiry using said consumer communication device and wherein said server is programmed to charge an advertising cost for an advertising size. However, Evans teaches that it is old and well known in the promotion art for advertisers to use computers to access an online web server in order to create and select advertisements to be published in different mediums



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(see paragraph 60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that advertisers in the Magazine Advertising Guide would use computers to access an online web server in order to create and select advertisements to be published in different mediums, as Evans teaches that it is old and well known to do so.

Claim 13, Magazine Advertising Guide teaches:

wherein said advertising space comprises any tangible medium from which said advertisement placable and from which said advertisement can be perceived, reproduced, or communicated either directly or with aid of a machine or a device (see page 6).

Claim 14, Magazine Advertising Guide teaches:

wherein said discount amount ranges from between none to approximately 90% of said asking price (see page 6).

Claim 15, Magazine Advertising Guide teaches:

wherein decreases to said advertising cost are between approximately none when said discount amount is none and up incrementally to 100% as said discount amount is incrementally increased (see page 6).

Claim 16, Magazine Advertising Guide teaches:

wherein increases to said advertising size over a basic size are between none when said discount amount is none and up incrementally, as overall space *for an increase in said advertise size* permits, as said discount amount is incrementally increased (see page 6).

Claim 17, Magazine Advertising Guide teaches:

*request additional information from said consumer and dependent on answers provided by said consumer, to permit said consumer to select one or more of said one or more discount amount and storing said answers as information about said consumer and making said information available to said party (see page 6).*

Claim 18, Magazine Advertising Guide teaches:

provide to said consumer a certificate reflecting said selection and based on said information (see page 6).

Claim 19, Magazine Advertising Guide teaches:

compile a report to said party wherein said report comprises a value between said advertising cost and a frequency of certificates provided on each subject matter of said advertisement (see page 6-7 "graph of the response rate to a magazine ad").

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues that the prior art does not teach Applicant's claimed invention, because according to the Applicant, the MAG reference relates to a discount in advertisement cost based only on duration, not size. The Examiner answers that "advertising size" according to Applicant's specification includes "byte size" (see page 8, lines 20-23) and publishing a full page in every issue that a magazine publish, as taught by MAG would read the limitation "increase size". Therefore, contrary to Applicant's argument, the MAG reference teaches Applicant's claimed invention.

**Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL LASTRA** whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

/DANIEL LASTRA/  
Examiner, Art Unit 3688  
November 20, 2008

<b>Notice of References Cited</b>	Application/Control No. 10/661,302		Applicant(s)/Patent Under Reexamination NELSON, ROBERT W.	
	Examiner DANIEL LASTRA		Art Unit 3688	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0036654	03-2002	Evans et al.	345/744
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
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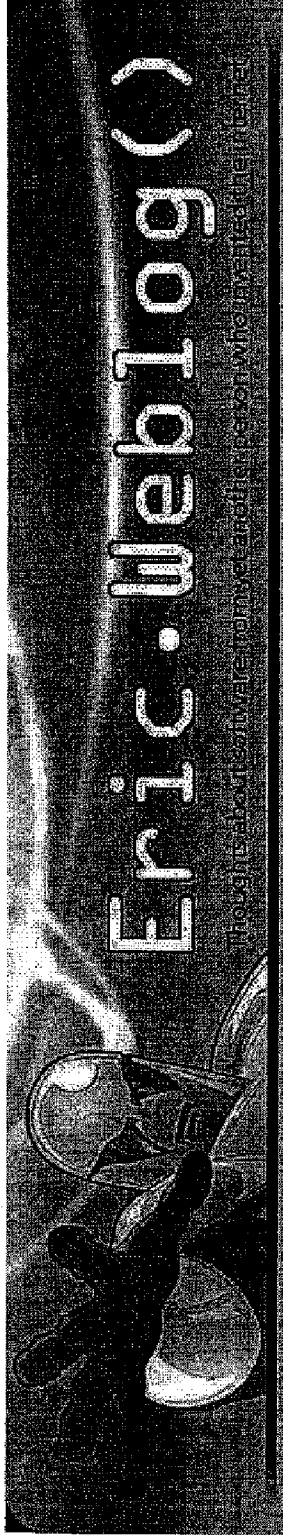
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Magazine Advertising Guide for Small ISVs ( <a href="http://www.ericSink.com/Magazine_Advertising.html">http://www.ericSink.com/Magazine_Advertising.html</a> ) May 1, 2003
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.


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Thursday, May 01, 2003

## Magazine Advertising Guide for Small ISVs

**Q:** What's the difference between buying magazine ads and setting dollar bills on fire?

**A:** Flaming cash actually produces a benefit, since it generates heat.

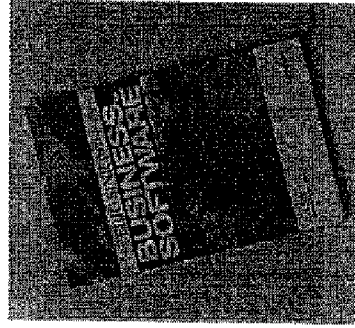
Magazines offer the most traditional form of advertising. The model is simple: Content is the hook which brings readers. Advertisers pay to have their commercial message intermingled with the content. However, there are two big problems with print advertising for a small ISV:

- It's very expensive.
- It generates a benefit which is intangible and impossible to measure with any precision or accuracy.

Some will claim that you *have* to advertise if you want to succeed. Horse hockey. Succeeding as a small ISV is about choosing what kind of mistakes you want to make. You can safely make plenty of mistakes as long as you don't make any of the fatal ones. If you can't afford it, spending too much on advertising is a *big* mistake. On the other hand, if you don't advertise when you should, that's probably a *small* mistake. Which of these mistakes has the greater potential to be fatal?

For most small ISVs, print advertising is just not an appropriate use of funds. For example, a full page color ad in a major software development magazine will cost over \$10,000. How many copies of your product would you have to sell in order to pay for that ad? Frankly, ten thousand lottery tickets might be a better investment.

Despite all my advice to the contrary, sometimes you *should* do print advertising. We do. People


[My Favorite Books](#)
**Series:**
[Source Control HOWTO](#)
[Marketing for Geeks](#)

[The 22 Immutable Laws of Marketing](#)

[The Business of Software](#)

[WPF 3D](#)

#### **Topics:**

[Software Development](#)

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[Business](#)

[Laughs](#)

[SourceGear](#)

#### **Related Sites:**

[www.NotALegend.com](#)

[www.SourceGear.com](#)

[www.Teamprise.com](#)

are more likely to remember and recognize you if they have repeated impressions from a regularly appearing ad. In the sections below I will pass along some of the things we have learned over the years. But remember: You don't have to feel guilty or unprofessional if you choose not to run magazine ads. You can always start later.

In the end, if you just can't decide whether to run magazine ads, flip a coin. If it comes up "heads", 16 times in a row, then you should be spending more money on print advertising. :-)

By the way, choosing not to run print ads doesn't mean you can't advertise. Online advertising is a much better way to get started. Regardless of how small your company is, you should be advertising on [Google](#).

## **Guidelines for Getting Started**

### **Start small.**

You don't need to be running full-page ads right from the start. It's much cheaper to run 1/4 page or 1/3 page stuff. In fact, sometimes these ads actually get more attention because they will share their page with the content of an article.

Also, you should start out by running your ads every-other-month instead of every month. It's an easy way to cut your cost in half and still get repeated impressions over time.

### **Keep the ad simple.**

Don't try to squeeze your whole data sheet into a 1/4 page ad. Nobody will read all that stuff anyway. Your ad should have plenty of empty space in it, and it should deliver one very simple message. The reader will spend less than one second looking at your ad. What do want them to see?

### **Don't hire an agency.**

Hiring a marketing firm is a terribly expensive way to go. These firms will try to get deeply involved in your company. They want to help you with marketing strategy, tactics, and execution. Their goal is to weave themselves into the tapestry of your firm so that it will be difficult to remove them later. Often these firms do excellent work, but the cost can be incredibly high. You can get excellent results with a Do-It-Yourself approach.

### **Do hire a graphic designer.**

Running an ugly ad is worse than nothing at all. You probably need to find a freelancer to

help. Find someone who is a Photoshop expert. Find someone with the ability to create designs which are nice-looking and clean. Ask to see their work.

Before you commit, tell them you expect to own full copyright on the results and you expect them to give you the original Photoshop file, not just the GIF/JPG/PNG versions. By holding on to the PSD file, the designer is trying to lock you in and prevent you from making minor changes yourself. This is like buying custom software and getting compiled binaries instead of source code.

At SourceGear we've worked with quite a few designers over the years, ranging from \$20/hour up to \$80/hour. In a large metro area the rates are probably higher.

#### "Boring" is bad.

Ad space is expensive so you really need to use it wisely. Unfortunately, most people don't. Pick up your favorite computer-related magazine and browse the ads. Isn't it amazing how unimpressive some of them are?

I admire ads with just the right amount of creativity, ads with a clever but subtle sense of humor. Check out this ad I saw a few months ago for REALbasic. I suppose this is on borderline of being cheesy, but I laughed, and I remembered their message. Sometimes an ad can't do much better than that.

It's worth the time to brainstorm and try to come up with a creative idea. Good ideas can come from anywhere, but you have to spend time throwing spaghetti against the wall in order to find out what sticks. Gather everyone in your company and agree to just spew ideas without stopping to really critique them. It will take a little while to get things flowing. Eventually the idea flow will slow to a trickle. Then it's time to start sifting the good ones from the bad ones.

If you really want to ignore my advice, you can hire a marketing firm to do this. But why? Brainstorming marketing ideas is fun. Why should you pay them \$200 per hour to do fun stuff while you sit alone trying to find a memory leak?

I hope you don't mind a little shameless tooting of our own horn: Here at SourceGear, we're rather proud of our latest marketing effort. We're promoting SourceGear Vault as if it were a movie. We produced a short "trailer" [video](#) and we're running magazine ads which resemble a [movie poster](#). The packaging for our product is in the style of a movie DVD. We've got full-sized movie posters as well. Several people have told us that it's the best marketing campaign they've ever seen for a software product. (*Kudos to Scott Boesch, the guy at SourceGear who made this campaign happen.*)



But "cheesy" is much worse.

Not everyone is creative. Sometimes when we try to be clever we actually end up with something dumb or trite. If you can't find an idea with a little bit of subtle cleverness, just run an ad with a simple, professional message.

## Choosing Where to Place Your Ad

As a small ISV, your whole marketing approach should be targeted at one "very small, very focused niche". Choosing a magazine for your ads is simply a matter of figuring out what those people are reading.

By the way, you do have a "very small, very focused niche", right? If you're thinking about advertising now, you should have figured this part out a long time ago. Before you even get started building a product, you need to describe that people who you want to buy it. The biggest and most common marketing mistake is aiming for too big of a market. It's counterintuitive, but the way to succeed is to find a very small group of people and make sure those people love your product. Tackle larger markets after you win small ones. Walk before you run.

So, if you are thinking that you need a magazine with enormously wide distribution, that's a symptom that you don't really have a target niche. Magazines like Newsweek and Sports Illustrated are completely out of the question, and the prices might astonish you. For example, the inside front cover spread for Sports Illustrated is over \$500,000 per issue. Marketing to the mass consumer market is a scary world, and you don't want to play there. Even magazines like PC World are probably too broad for a small ISV. You need to find a magazine with a readership of less than 100,000 people, many of which are in your target niche.

In all likelihood, you will find several magazines which are appropriate for your target niche. You need to narrow the list down to just one, maybe two. Your next step involves talking to one of the magazine's ad sales people.

## Ad Sales People

Magazine ads are sold by sales people. Their job is to convince you to buy ads. More specifically, their job is to convince you that everything I'm saying in this article is not true. :-)

A good advertising sales person can be very convincing. They know that advertising is really just black magic, so they try to convince you otherwise by spreading a thin veneer of science over everything. They will show up with all kinds of data and statistics. They will have studies and surveys and charts and tables which describe the demographics of their readership. By the end of their presentation, you will be hypnotized, ready to give them all your money. Try to resist. Once

they leave the room, the spell will be broken.

One way or another, you need lots of information to make a good decision:

- Ask the magazine how many readers they have. Be sure to also ask if their circulation figures are "audited" by an independent third-party firm. If their numbers are not audited, they might have just made them up.
- Ask the magazine to describe their readers. Make sure you ask them this question *before* you describe your target niche to them. If you tell them who you are trying to reach, they will simply paraphrase it back to you and claim that their readership is exactly the right fit for your promotional needs. :-)
- Call a few people in your niche and ask them their opinion of the magazine.
- Get several issues of the magazine and study the ads:
  - Are any of your competitors advertising there? If somebody else is trying to reach the same niche by advertising in this magazine, then maybe you need to be there too.
  - How big are the companies advertising in this magazine? If all the companies advertising in this magazine are much larger than yours, this may not be the right place for you to be. Huge companies don't always need a "very small, very focused niche". They can afford to market their image alone, like those funny TV commercials you see from IBM. If a magazine is only selling ads to really big companies, their readership may not be as targeted as you would like.
  - Count the "house ads". When a magazine fails to sell ad space, they usually run a "house ad", an advertisement for their own magazine, or one of their sister magazines, or an event they are sponsoring. For example, the December 2002 issue of .NET magazine has an ad for Visual Studio magazine on the inside back cover. That's a house ad. Both these magazines are run by Fawcette. If a magazine issue has lots of house ads, that means the magazine is having trouble selling ad space. Like a house that's been sitting on the market for too long, you should wonder why you should want to be there when nobody else does.

SourceGear is a developer tools company so there are lots of good places to run our ads. Our products are generally Windows-centric, so we are in Visual Studio Magazine and MSDN. We're considering CoDe, but haven't actually placed any ads there yet. We're also interested in SD Times, which is targeted more at management and describes itself as more of a newspaper than a magazine. For now we are staying away from magazines like Dr. Dobbs. It's a fine magazine and quite popular, but our dollars are better spent right now in places which have a more Windows-

centric readership.

## Buying the Ad

Your sales person will quote your rates using a "rate card", which is nothing more than a pricing chart. Some magazines actually publish their rate card online. By doing a Google search on the keywords "rate card" I found a few examples:

### PC World

### Business 2.0

### Visual Studio Magazine

9 — Obviously, the bigger the ad, the more expensive it is. Note that special placements cost extra. For example, the back cover ("cover 4") is often the most expensive ad in the magazine. For just over a hundred thousand dollars, you can buy the back cover of PC World magazine, or a three bedroom home in central Illinois.

15 — The pricing on the rate card is sometimes negotiable. You might as well try. Even if they won't reduce the price, ask them to throw in some freebies. For example, they might give you some free online web ads if you buy their print ads. We never buy ads without asking for something we're not supposed to get. :-)

20 — Ad pricing is structured to encourage you to make long commitments. If you only want to place an ad one time, you will pay full price. If you sign a contract for six insertions, you can get a price break on a per-insertion basis. On the rate card this is called a "6X" rate. An even bigger discount comes when you commit to place your ad in every issue they publish for a full year (or longer). This is usually a 12X rate, but can be even more if magazines do special issues in between their regular monthly edition.

25 — SourceGear is on a 14X contract with Visual Studio Magazine right now. That means we've promised to place a full page ad in every issue for 2003, including their 2 special issues. A contract this long can get painful if you change your mind later or if cash gets tight. Don't sign a full-year contract the first time you place a magazine ad.

29 — A contract can be cancelled but you'll have to pay them a "short rate" penalty. Basically, they won't let you run 6 insertions at a 12X rate. If you sign a 12X contract and quit after 6, you'll have to retroactively pay the 6X rate, and perhaps a little more for their trouble.

## What Happens After Your Ad Runs

Most people try to measure the effectiveness of their ads. I admit that it's nice to hear from someone who saw your ad, but I took too many college science classes to actually believe there is any real data to be found. Remember plotting data in your physics class? A data graph is meaningless without the error bars. Unless you know the precision of your data, it's pretty hard to draw solid conclusions.

No matter how hard someone tries to convince you otherwise, marketing is not science. If you drew a graph of the response rate to a magazine ad, the error bars would be off the ends of the axes. We simply can't measure ad effectiveness with any precision at all.

Finally, be advised that the magazine ad sales people are reading each other's magazines. Once you place your first ad, you are on everybody's radar screen. Expect to get calls from the sales people at every other magazine in the market.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,302	09/11/2003	Robert W. Nelson	NELSR-P01	7815
23653 7590 01/29/2009 FRANK G MORKUNAS 7750 DAGGET ST SUITE 203 SAN DIEGO, CA 92111			EXAMINER LAstra, DANIEL	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 01/29/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/661,302

Applicant(s)

NELSON, ROBERT W.

Examiner

DANIEL LASTRA

Art Unit

3688

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-12 and 14-19.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues that the prior art does not teach Applicant's claimed invention. The Examiner answers that While the cited reference talks about pricing advertisements by physical size, e.g. whole-page, half-page, quarter-page, etc., it does not explicitly disclose that the prices for the larger advertisements are less than the prices for the smaller advertisement. However, since setting up the advertising rates is a business decision by the publisher, it would have been obvious that the publisher could decide to charge less for a large advertisement and more for a small advertisement. Since there are only three ways of determining the rates charged for two different sizes of advertisements, (1) higher for larger, (2) lower for larger, or (3) same for all sizes, and no unexpected results are obtained in choosing one rate plan over the other, it would have been obvious for Magazine Advertising Guide to choose any one of the three possible plans including charging a lower rate for larger advertisements..



US 2002/0036654 A1

(19) **United States**(12) **Patent Application Publication** (10) Pub. No.: **US 2002/0036654 A1****Evans et al.**(43) Pub. Date: **Mar. 28, 2002**(54) **SYSTEM AND METHOD FOR  
COMPUTER-CREATED ADVERTISEMENTS**

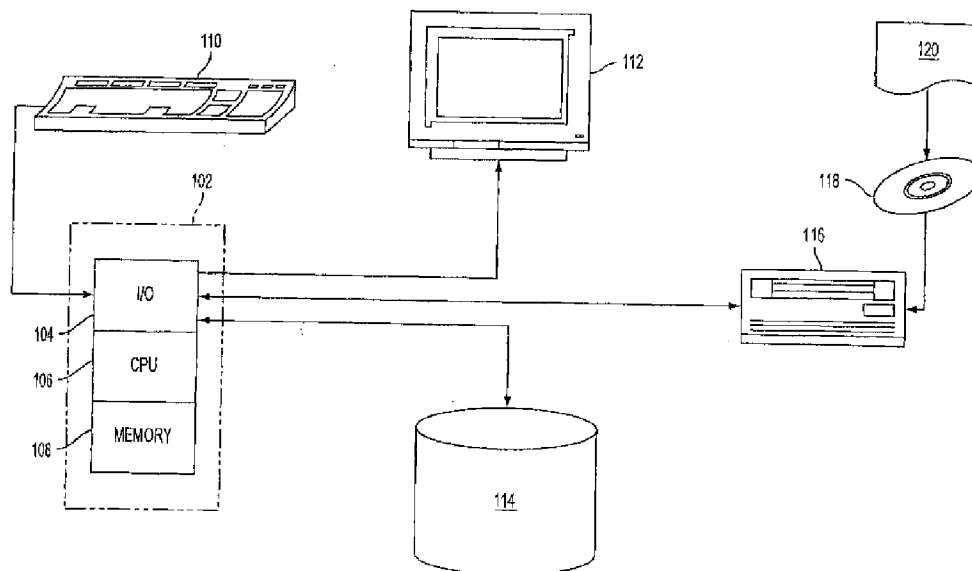
(52) U.S. CL. .... 345/744

(76) Inventors: Jon C. Evans, Venice, FL (US); James  
M. Evans, Venice, FL (US); Jon K.  
Gould, Sarasota, FL (US)(57) **ABSTRACT**

Correspondence Address:

**HELLER EHRMAN WHITE & MCAULIFFE  
LLP****SUITE 300****101 ORCHARD RIDGE DR.****GAITHERSBURG, MD 20878-1917 (US)**(21) Appl. No.: **09/887,526**(22) Filed: **Jun. 25, 2001****Related U.S. Application Data**(63) Non-provisional of provisional application No.  
60/213,484, filed on Jun. 23, 2000.**Publication Classification**(51) Int. Cl.<sup>7</sup> ..... **G06F 3/00**

The invention relates to a computerized method for a user to create an advertisement by displaying a plurality of advertising formats for selection by a user; displaying a template corresponding to a selected advertising format; displaying a plurality of product references for selection by the user; displaying on the template a selected product reference to create a proposed advertisement; and creating a preview of the proposed advertisement, all of which may be implemented using the Internet. The invention further relates to a computerized system for creating an advertisement that comprises a template database for storing advertising formats; a product database for storing product references; and a computer to access the databases. Preferably, the user has a network interface such as Internet access that permits access via a remote location, software to permit a user to specify specifications such as quantity, printing information, ship date, paper type, pricing information, and payment information, and may be configured to receive images and text for new products.





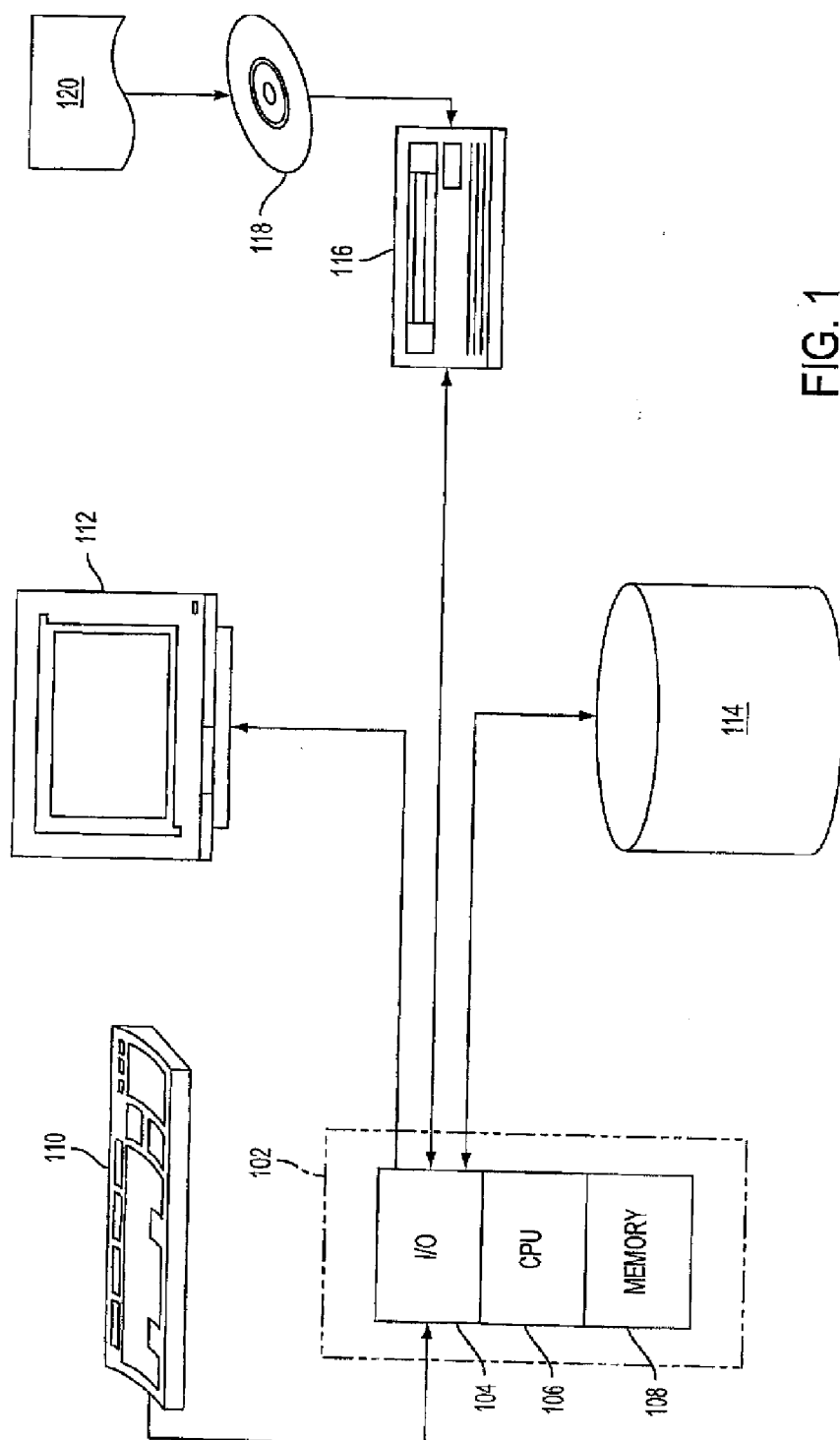


FIG. 1

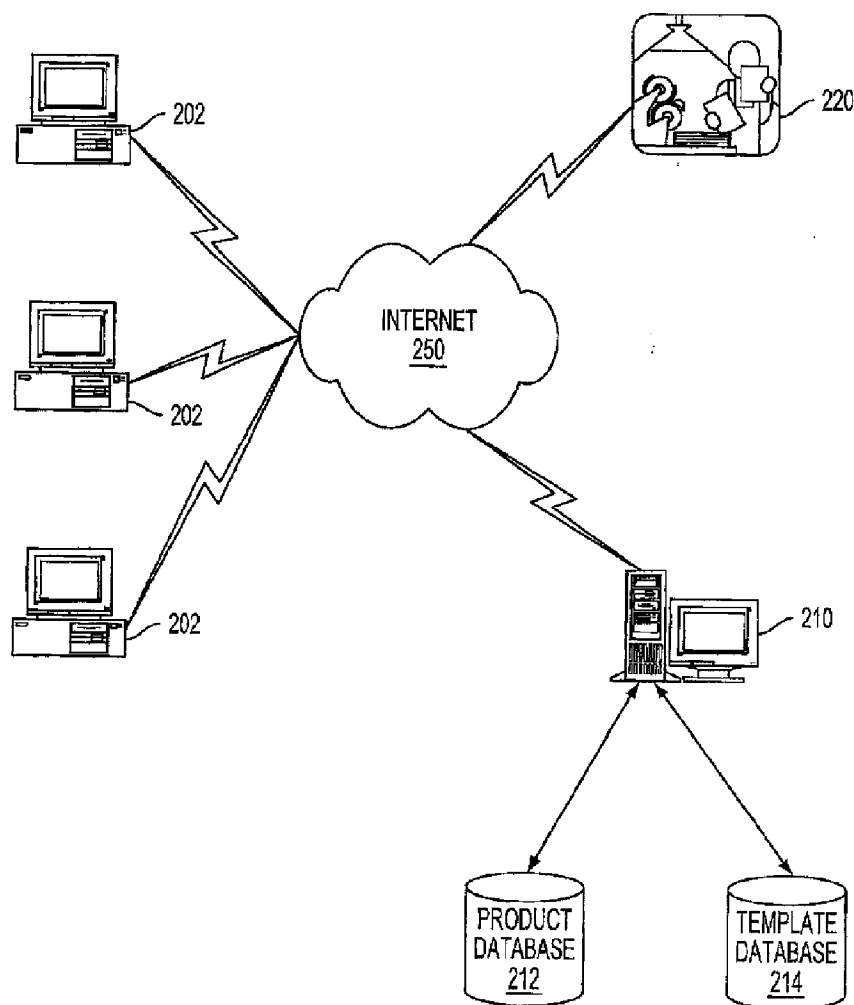


FIG. 2

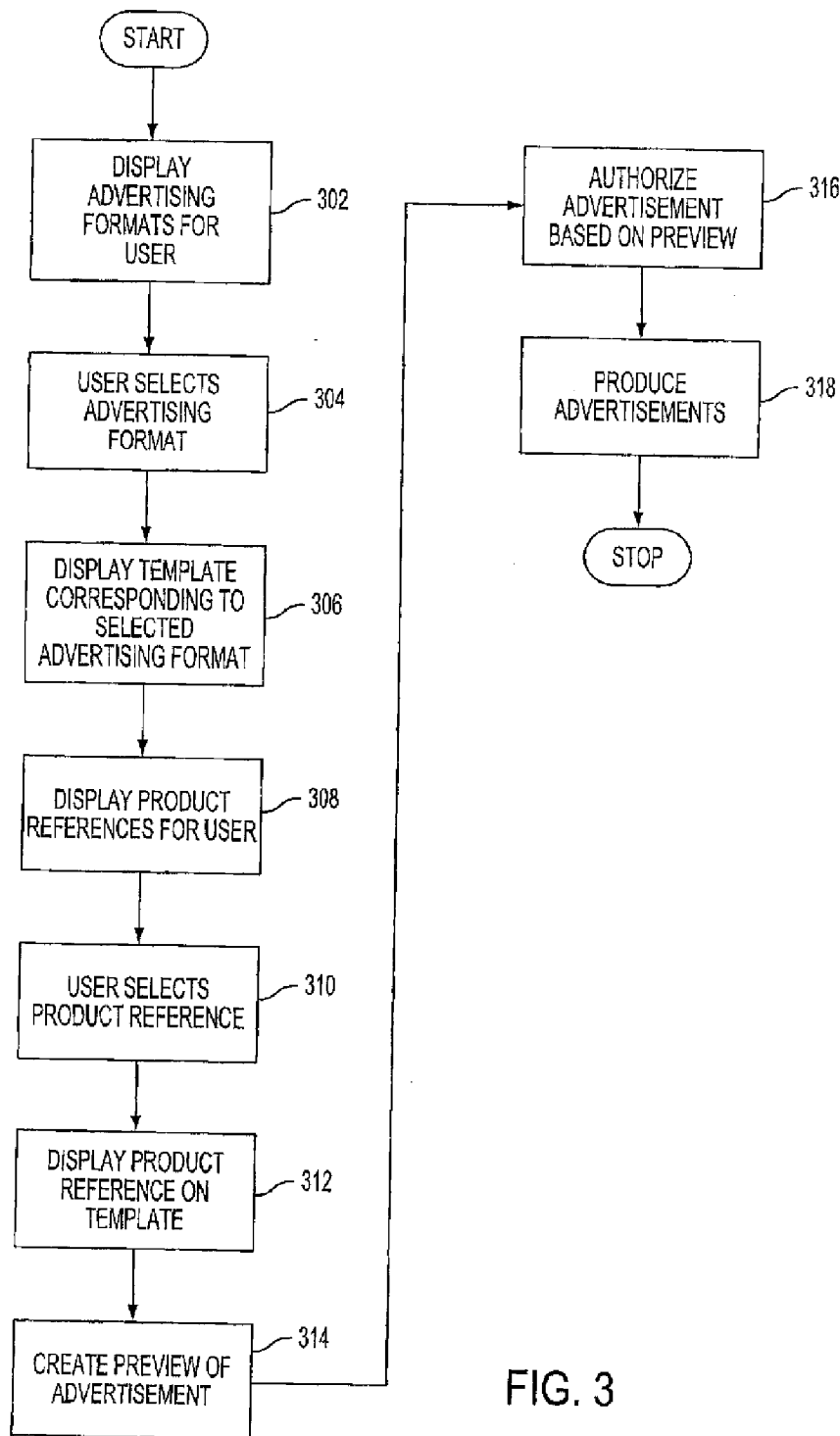


FIG. 3

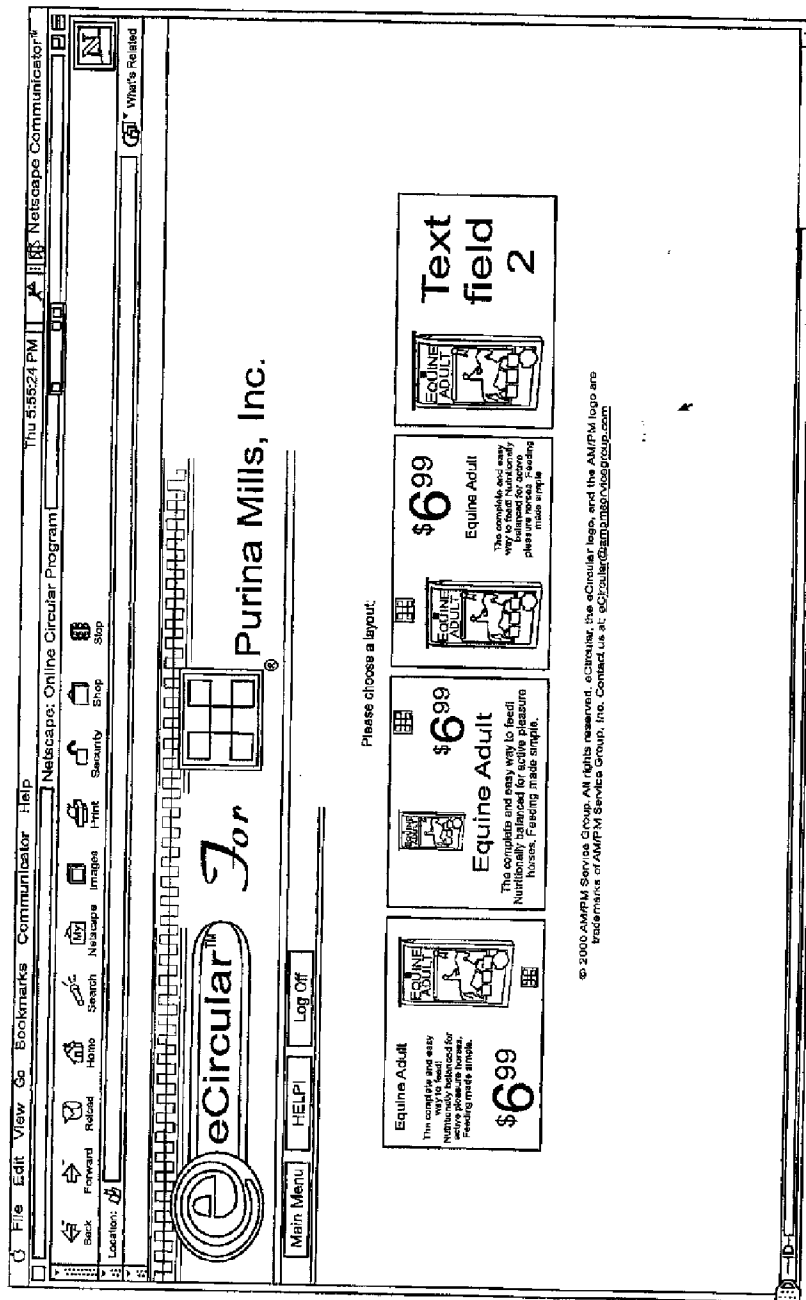


FIG. 4

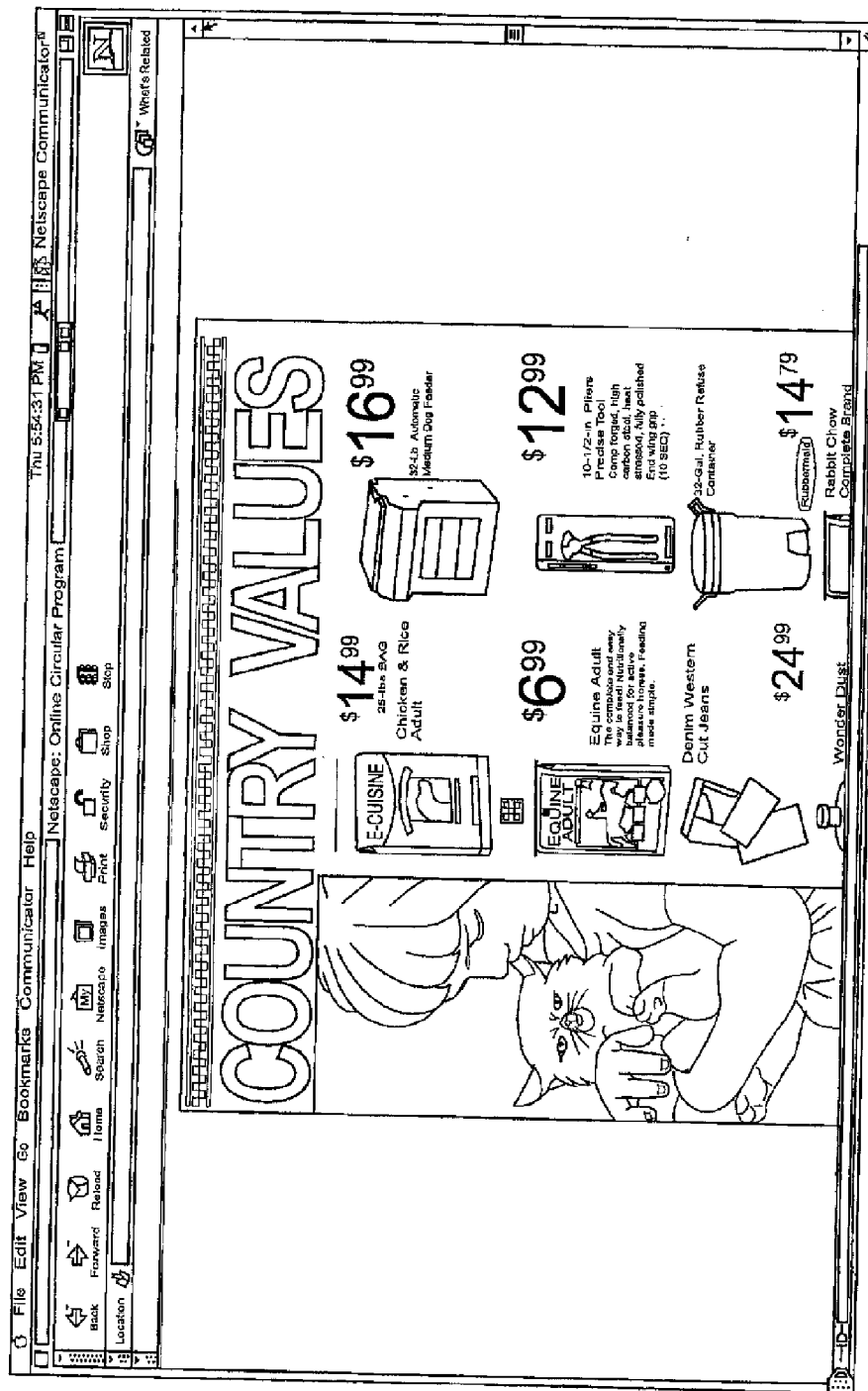


FIG. 5

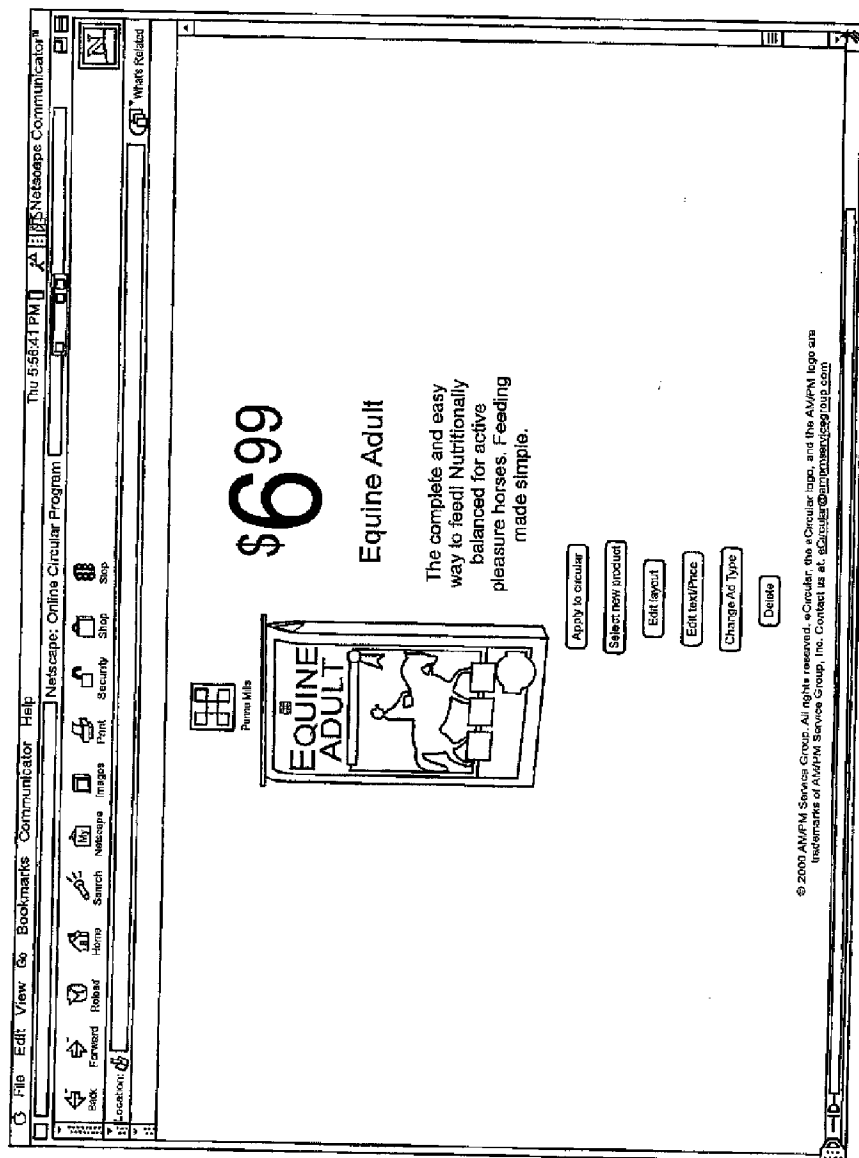
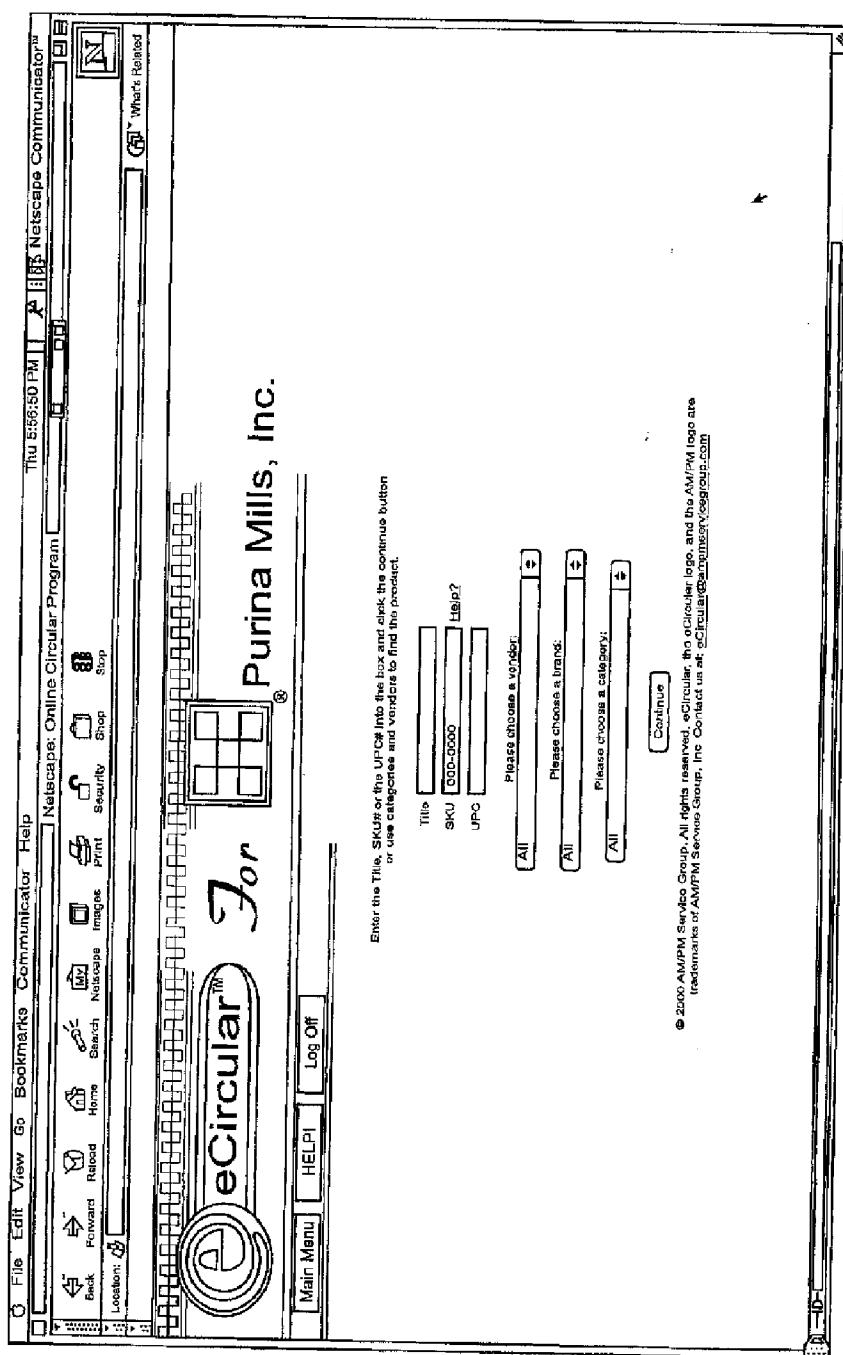


FIG. 6



**FIG. 7**

## SYSTEM AND METHOD FOR COMPUTER-CREATED ADVERTISEMENTS

### REFERENCE TO RELATED APPLICATIONS

[0001] This application claims priority to U.S. provisional application, entitled "Internet Advertising Design Build Model," assigned Ser. No. 60/213,484, filed Jun. 23, 2000, which is specifically and entirely incorporated by reference.

### BACKGROUND OF THE INVENTION

#### [0002] 1. Field of the Invention

[0003] This invention relates to business models, methods and systems for generating advertising materials useful for all forms of advertisement. More particularly, this invention relates to computerized systems and methods for creating advertisements.

#### [0004] 2. Description of the Background

[0005] Conventional business methods for creating advertising require that written materials and other documentation be provided by a customer (which we will refer to herein as the user) to third party graphic artists who design the layout. The customer must wait to receive a hard-copy proof from the artists, and then, after reviewing and revising the proof, resend the proof to the artists for redesign. When the proof is finally approved, the information must be delivered to a commercial printer to produce the advertisements in their final form. At each stage of the process, there can be substantial delays. After one or more redesigns, the customer must wait for a final proof and then, once approved, wait for the final product to be produced.

[0006] The conventional process is time consuming and inefficient, and can also be very expensive relative to the cost of services that can be provided by the present invention. For example, a customer must employ the services of a graphic artist, which can add significant cost to the process. Moreover, the inclusion of a graphic artist into the process requires additional time and communications between the artist and the customer. Each time the work-in-process is transferred between parties (for example, from the graphic artist to the customer, from the customer to the graphic artist, and from the graphic artist to the printer), the work-in-process must enter the queue of the recipient, which may add uncontrollable delays, not to mention the time associated with the logistics of transferring materials. Accordingly, there is a need for an improved system that is less time consuming and less costly.

### SUMMARY OF THE INVENTION

[0007] The present invention relates to methods and systems for creating advertisements. The present invention uses computers and software to create efficiencies in designing and printing advertisements. The present invention also contemplates the use of the Internet to streamline the processes.

[0008] Disclosed herein is a computerized method for a user to create an advertisement, comprising the steps: displaying on a computer a plurality of advertising formats for selection by the user; displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising

formats; displaying on the computer a plurality of product references for selection by the user; displaying on the template at least one selected product reference to create a proposed advertisement; and creating a preview of the proposed advertisement. The method may also involve submitting specifications to a remote site and printing advertisements in accordance with the specifications. Remote sites are preferably commercial printers, but may also be printers in another office, at another location or in a different country.

[0009] Also disclosed is an Internet-based method for a user to create an advertisement, comprising the steps: accessing a web site through a computer; displaying on the computer a plurality of advertising formats for selection by the user; displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats; displaying on the computer a plurality of product references for selection by the user; displaying on the template at least one selected product reference to create a proposed advertisement; submitting to a remote site, via the internet, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications including at least one of a quantity, a paper size, printing specifications, drop shipping information, and a payment method; creating, at the remote site, a preview of the proposed advertisement which may be a hard-copy proof or an electronic or other preview; making the preview available to the user for review; and printing, in accordance with set printing specifications, advertisements that correspond to the proposed advertisements. The method may also provide the user with the ability to enter information concerning custom product references, such that the custom product references may be displayed on the template along with product references selected from the displayed plurality of product references.

[0010] A computerized system for creating an advertisement is also disclosed. The system comprises: a template database for storing a plurality of advertising formats; a product database for storing a plurality of product references; a computer that has access to the template database and the product database. The computer accesses software that is capable of incorporating: a template selector for selecting at least one template from the template database; a product selector for selecting at least one product reference from the product database, each of the at least one product reference including at least one of an image and text; and a design interface for controlling the placement of a selected product reference on a selected template in order to create a proposed advertisement. The computer may also have a network interface (such as an interface to the Internet) that permits access to the computer via a remote location, so that a user may access the computer in order to create a proposed advertisement. The computer may also include software to create a specifications interface for inputting specifications (for example, quantity, printing information, shipping information and destination, pricing information, paper type, and payment information) for the advertisement.

[0011] Also disclosed is a computerized system for creating an advertisement, comprising: a template database for storing a plurality of advertising formats; a product database for storing a plurality of product references; and a computer that has access to the template database and the product database. The computer accesses software that is capable of



incorporating: a template selector for selecting at least one template from the template database; a product input interface for adding new product references to the template database; a product selector for selecting at least one product reference from the product database, each of the at least one product reference including at least one of an image and text; and a design interface for controlling the placement of a selected product reference on a selected template in order to create a proposed advertisement. The computer is also configured to include a network interface that permits access to the computer via a computer network connection such as, for example, an Internet or other broadband-based connection, a modem, a networked computer, or combinations thereof so that a user may access the computer to create a proposed advertisement. The system may also include an input for receiving an image (for example, from a digital camera) and textual information concerning new products, and a data marker for linking the digital data and the image.

[0012] An Internet-based method for a user to create an advertisement is also disclosed. The method comprises: accessing a web site through a computer, the web site being hosted on a host computer, and the host computer having access to a first database of advertising formats and a second database of product references; accessing the first database to identify a plurality of advertising formats; displaying on the computer the plurality of advertising formats for selection by the user; displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats; accessing the second database to identify a plurality of product references; displaying on the computer the plurality of product references for selection by the user; displaying on the template at least one selected product reference to create a proposed advertisement; submitting to a remote site, via the Internet, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications and final files that constitute the proposed advertisement including at least one of a quantity, printing specifications, a ship date, a paper type, and a payment method; creating, at the remote site, a preview of the proposed advertisement (e.g. hard-copy proof, electronic preview, printer's proof); and printing, in accordance with the printing specifications, shipping and destination information, pricing and payment information, advertisements that correspond to the proposed advertisements. The method may also involve displaying on the computer a menu such as, for example, a drop-down or pop-up menu, that permits new custom product references to be entered into the second database.

[0013] Also disclosed are a method and system whereby a user operates a computer to create an advertisement. This method comprises the steps: selecting an advertising format from a plurality of advertising formats; displaying a template that corresponds to a selected advertising format, which template includes a plurality of advertising areas; selecting a product reference, which product reference comprises at least one of an image and text; and importing the selected product reference onto an advertising area to create an advertisement. Preferably, the advertising area is configured to automatically format the selected product reference to fit within physical dimensions of the advertising area.

[0014] A method and system for creating an advertisement are also disclosed. This method comprises: selecting an

advertising format; displaying a template that corresponds to a selected advertising format, which template includes a plurality of advertising areas; selecting a plurality of product references; specifying a rule of priority for laying out the plurality of product references onto the plurality of advertising areas; and generating an advertisement whereby the plurality of product references are placed onto the plurality of advertising areas in accordance with the rule of priority.

[0015] The present invention overcomes the problems and disadvantages associated with conventional methods and systems including electronic systems, and provides new business methods and systems whereby a user can access host computer or server (for example, by way of a web site on the Internet), and quickly and efficiently create customized advertising materials.

[0016] Other embodiments and advantages of the invention are set forth in part in the description which follows, and in part, will be obvious from this description, or may be learned from the practice of the invention.

#### BRIEF DESCRIPTION OF THE DRAWINGS

[0017] FIG. 1 depicts a general purpose computer system.

[0018] FIG. 2 illustrates a schematic of one embodiment of one configuration of the invention.

[0019] FIG. 3 illustrates a schematic of one embodiment of one process of the invention.

[0020] FIG. 4 illustrates a template for selection of a product by vendor, brand or category.

[0021] FIG. 5 illustrates available product reference options for the particular product selected from FIG. 4.

[0022] FIG. 6 illustrates a selection of one product reference option from FIG. 5.

[0023] FIG. 7 illustrates incorporation of the product reference selected from FIG. 6 into the final advertisement.

#### DESCRIPTION OF THE INVENTION

[0024] A technical advantage of the present invention is that it may be used to significantly reduce the amount of time involved in preparing advertisements. The amount of time reduction is surprising. As a result of the time reductions realized, materials can be submitted weeks in advance—instead of months (which was previously the norm for some users). In some cases, advertising materials can be created in a matter of hours (and possibly minutes in the cases of one page advertisements).

[0025] Another technical advantage of the present invention is that it may be used to significantly reduce the cost involved in preparing advertisements. The cost savings is surprising.

[0026] Another technical advantage of the present invention is that the method and systems permit a user to create high quality advertisement materials without the services of a graphic artist, thereby realizing unexpected savings in time and expense.

[0027] Another technical advantage of the present invention is that the method and systems permit a user to direct the electronic transfer of a final or non-final advertising file to a commercial printer (which can be local, within the same city,

or distant, outside the country) or other destination such as, for example, a desk top printer, an e-mail account, a website, or a facility for further processing.

[0028] Another technical advantage of the present invention is that the method and systems permit a user to eliminate the time associated with certain queues (e.g., the queue of the graphic artist who designs a layout for an ad), thereby realizing unexpected savings in time.

[0029] Another technical advantage of the present invention is that the method and systems permit a user to print its own advertisements, which will result in greater control over printing costs and timing. Printing "in house" also eliminates the delay of queues that may exist when projects are delivered to a commercial printer.

[0030] Another technical advantage of the present invention is that the method and systems are easily used, and the databases are easily updated.

[0031] Another technical advantage of the present invention is that the method and systems are easily customized to provide a unique look for each user, and to provide uniformity from advertisement to advertisement, thereby, helping a user to create branding among its trademarks.

[0032] Another technical advantage of the present invention is that the method and systems provide cost-effective advertisement services, well below the rates charged by professional designers.

[0033] Another technical advantage of the present invention is that the method and systems permit a user to maintain up-to-date product databases in order to facilitate the creation of accurate and current advertisements.

[0034] Another technical advantage of the present invention is that the method and systems facilitate the provision of services to users who desire to have another person or entity create and maintain user product databases.

[0035] Another technical advantage of the present invention is that the method and systems permit flexibility in the creation of advertisements, in the sense that advertisements may be created using any number of colors, as well as in black and white.

[0036] Another technical advantage of the present invention is that the method and systems are easily used, and the databases are easily updated.

[0037] Another technical advantage of the present invention is that the method and systems can be easily updated through software upgrades to include the latest fashions in advertisement design services.

[0038] Another technical advantage of the present invention is that the method and systems are modified to provide links to other web pages so that the latest information concerning new and existing products can be integrated into the databases of the present system, as well as to provide access to others so that they can obtain the latest information about a user's products and services.

[0039] Another technical advantage of the present invention is that the method and systems permit a service provider (one who operates the present invention) to calculate and prepare a co-op report for each user. Moreover, the software associated with the method and systems of the present

system permit a service provider to process orders and arrange payment to a printer on behalf of a user.

[0040] Another technical advantage of the present invention is that the method and systems permit a user to rapidly create high quality advertisement materials.

[0041] Another technical advantage of the present invention is that the method and systems permit the use of the Internet as a platform for the development and product of new advertising materials, thereby providing a fast and technologically sophisticated method for creating advertising. The system of the invention permits even a novice to easily create sophisticated advertisements.

[0042] The preferred embodiment of the present invention and its advantages are best understood by referring to FIGS. 1 through 7 of the drawings, like numerals being used for like and corresponding parts of the various drawings.

[0043] Referring to FIG. 1, a general purpose computer for use with the present invention is provided. Processor 102 has input/output section 104, central processing unit 106, and memory section 108. Input/output section 104 may be connected to keyboard 110, display unit 112, disk storage unit 114, and CD-ROM drive unit 116. CD-ROM unit 116 can read a CD-ROM medium 118, which typically contains programs and data 120. In one embodiment, the general purpose computer may lack some or all of the features described above. For example, the general purpose computer may operate as a terminal, an emulator, etc. with network access.

[0044] The present invention is directed to a system for computer-created advertisements. Referring to FIG. 2, a system according to one embodiment of the present invention is provided. The system may include a plurality of network access devices 202, such as the general purpose computer described in FIG. 1, may be used. In one embodiment, network access devices 202 may include wireless devices, including wireless Personal Digital Assistants ("PDAs") (e.g., Palm™ VII, Research in Motion's Blackberry™), wireless web-enabled phones, pagers, etc.

[0045] Network access device 202 may interface with at least one network 250. Network 250 may include the Internet, one or more Local Area Networks ("LANs"), one or more Metropolitan Area Networks ("MANs"), one or more Wide Area Networks ("WANs"), one or more Intranet, etc. An interface between network access device 202 and network 250 may be provided as is known in the art. By way of example, and without limitation, the interface may be provided by unshielded twisted pair wiring, such as CAT-5, coaxial cable, telephone lines, fiber optic cables, or any other suitable communication medium. In one embodiment, network access devices 202 may interface with network 250 via a wireless interface.

[0046] Server 210 may support the software used in conjunction with the present invention. In one embodiment, server 210 may access product database 212 and template database 214, which will be discussed in greater detail below. Server 210 may access network 250 in a manner as described above.

[0047] In one embodiment, printer 220 may be provided. Printer 220 may produce electronic or hard copies of the

advertisement, as will be discussed in greater detail below. Printer 220 may access network 250 in a manner as described above.

[0048] In another embodiment of the present invention, and referring to FIG. 3, a method for computer-created advertisements according to one embodiment of the present invention is provided. In step 302, advertising formats are displayed for the user. In step 304, the user selects an advertising format to use. In step 306, at least one template corresponding to the selected advertising format may be displayed. In step 308, at least one product reference is displayed for the user. In step 310, the user selects at least one product reference. In step 312, the selected product reference may be displayed on the template. In step 314, a preview of the advertisement may be created for the user. In step 316, the user may review the preview, and, if satisfactory, may authorize the production of the advertisement. In step 318, the advertisement may be produced, in an electronic format, in a printed format, etc.

[0049] Sample screenshots that correspond to steps in the method of FIG. 3 are provided as FIGS. 4-7. A detailed discussion of the method of FIG. 3 will be provided, below.

[0050] In a preferred embodiment of the present inventions, the systems and methods utilize a program that is template-based and includes a database of products offered by a user. The template and its "look" are preferably controlled by the company manufacturing or supplying the products to permit the user to create a consistent and desirable public image, while simultaneously allowing the user flexibility in specifying the content of its advertisements. Predetermined descriptions, graphics, logos, images and associated items may be stored in a database for ease of navigation, but the flexibility of inserting a custom price and description for the various products may also be provided to the user. Preferably, the program may be customized for each user to give the user's advertisements a distinctive design and functionality.

[0051] In another preferred embodiment, a user may specify the number of pages to be included in an advertisement, as well as certain printing specifications. For example, a user may specify a delivery method for an advertisement (e.g., direct mailing to potential users), a quantity, a paper size, drop shipping information, and other like printing information. By way of example, after completing the design of an advertisement, a user may cause the service provider's server to deliver information files electronically to a printer for printing and distribution.

[0052] In another preferred embodiment, a user may specify the electronic delivery of a final or non-final advertisement to a target audience via e-mail or by posting it on one or more websites. This enables a user to produce both printed and electronic advertisements through the systems and methods of the invention.

[0053] The invention reduces the development time from months to weeks, (and in some cases, days or even hours), thereby substantially increasing efficiency and reducing time to develop a final advertisement. The present inventions permits the designing advertising, printing and delivering of a final product to a target audience in a rapid, cost-effective manner.

[0054] The present invention is also directed to a software program developed to significantly reduce the time and

frustration associated with current methods of developing a newspaper advertisement. This Internet based program allows a user (e.g., a store owner) to access a web site through the click of an icon, to select a template, a number of pages, and other information, and to point and click through a systematic method of circular development. Upon login, the store owner is preferably presented with updates and messages about new vendors, special sales or new additions to the program. Through a library of suppliers categorized by vendor, store department, SKU and product description, a store owner may select products that are desired to be advertised. The store owner may place the selected products into pre-designed templates, and may also take advantage of predetermined company advertisements. The ads preferably have sufficient flexibility to permit creativity, and yet sufficient standardization to keep the process easy. Upon completion of the design process to create an advertisement, a store owner may dictate print or display specifications to specify, for example, quantity, destination, pricing, drop ship and/or payment information. Preferably, the present invention is accompanied by help menus to assist the user in designing an advertisement. Preferably, the advertisement may be electronically transmitted to a professional printer for processing, printing and delivery. Upon receipt of the file, the professional printer may generate a preview (e.g. printer's proof or other hard-copy, electronic preview), which preview may be transmitted to the store owner (by way of facsimile, electronic mail, or courier) along with final pricing and a production confirmation.

[0055] The commercial printer may also provide a co-op claim calculations report. Turnkey co-op claim filing and processing may also be provided. Preferably, the program library (i.e., the database) of suppliers is updated regularly in order to reflect current available products and/or inventory.

[0056] The present invention requires a computer. Preferably, the computer includes a modem (e.g. dial-up connections such 14.4, 28.8 or 56K modem, DSL, cable), more preferably high speed, or other access interface (e.g. a T1 or T3 connection, satellite) to permit high speed access to a server. Preferably, the computer includes software to permit rapid and reliable access to the Internet, preferably the user has an account with an Internet access provider. In setting up an Internet connection, it may be desirable to utilize cache to keep local copies of frequently accessed pages, and thus reduce the demands on bandwidth to the network.

[0057] In one embodiment of the present invention, a user utilizes an Internet connection in order to access a web site on a host computer. The web site may, for example, be maintained and hosted by a commercial printer, a supplier, or an Internet Service Provider. The web site, when accessed, may request a user to log into the site by entering a username and password.

[0058] Generally, a user will specify the advertising format that is desired. Preferably, the user selects an advertising format from a plurality of advertising formats displayed on the computer screen. More preferably, the user selects from a pull down menu of advertising formats. An advertising format establishes the type of advertisement that is desired. Examples include circulars that are distributed by hand to potential users, newspaper inserts that are distributed as part

of a newspaper, direct mail advertisements that are mailed directly to potential users, newsletters that are distributed to existing clients in order to keep them informed, and banners. Advertising materials that may be generated using the present invention are not limited to these examples, but may include any kind of print, digital, electronic or other form of advertisement.

**[0059]** When the user selects an advertising format such as, for example, a newsletter, the present invention will provide the user an opportunity to prepare a custom newsletter. Preferably, the user will have the opportunity to specify the number of pages in the newsletter, as well as to include a table of contents, product photos, and descriptive text. In one embodiment, the present invention may present the user with a plurality of options from which the user may choose (e.g., 2 pages vs. 4 pages, double-sided vs. single-sided). Upon completion of the design phase, the newsletter may be processed and electronically transferred to a commercial printer for printing. The commercial printer may print the advertisement, providing the user with hard copies that may be distributed directly to existing customers as well as potential customers of the user. Alternatively, the user may duplicate the prints using the user's own facilities, thereby achieving further savings in time and money. Yet another alternative is for the commercial printer to process the advertisement after receiving the electronic files.

**[0060]** When the user selects a newspaper ad as an advertising format, the present invention will provide the user an opportunity to prepare a custom newspaper ad. Preferably, the user will have the opportunity to specify the size of the advertisement (e.g., full page, half page, quarter page, etc.), as well as to include product photos, pricing information (e.g. price, discount, sale, rate, coupon, etc.) and other descriptive text. Upon completion of the design phase, the ad is preferably transferred electronically to a newspaper company for inclusion in a newspaper. Alternatively, the ad may be transferred electronically for processing at a commercial printer, and then transferred electronically to a newspaper company for publication.

**[0061]** When the user selects a circular as an advertising format, the present invention will provide the user an opportunity to prepare a custom circular. Preferably, the user will have the opportunity to specify the number of pages in the circular, as well as to include product photos, pricing information and other descriptive text. In one embodiment, the present invention may present the user with a plurality of options from which the user may choose (e.g., 4 pages vs. 8 pages). Upon completion of the design phase, the circular is preferably transferred electronically for processing and printing at a commercial printer. The commercial printer may process and print the circular, and thereafter, provide hard copies to newspaper companies, if desired. Alternatively, the ad may be transferred electronically for processing at a commercial printer, and then transferred electronically to a newspaper company for publication.

**[0062]** Once an advertising format has been selected, a user may select a template that corresponds to the selected advertising format. In one embodiment, the present invention will provide a one-to-one correspondence between available advertising formats and templates. It is recognized and understood, however, that a selected advertising format may have a plurality of templates that correspond to the

selected format. Moreover, different advertising formats may share one or more templates. In the case of a one-to-one correspondence, the selection of an advertising format may pre-ordain the selection of a template.

**[0063]** Preferably, after selecting an advertising format, the user will be provided by the present invention with an opportunity to select one of a plurality of templates that correspond to a selected advertising format. For example, if a circular is chosen as an advertising format, the user may be presented with a plurality of pre-defined templates for a circular. By selecting one of the pre-defined templates, the user will be able to save much time in designing a custom circular. It is understood and acknowledged, however, that the present invention may also be designed to permit a user to have even greater flexibility by presenting a template that provides a user with greater flexibility in terms of overall layout and design.

**[0064]** In a preferred embodiment, the present invention includes a database of templates, which database can be readily accessed and regularly updated. The database may be organized such that each template is allocated a record. Of course, the present invention contemplates that many other known means of organizing data and databases may be used to maintain a plurality of templates for purposes of this invention.

**[0065]** Once a template is chosen, the user is provided with an opportunity to customize the template. In the case where a template involves multiple pages, the user may be provided with an opportunity to select a page of the template to design and/or edit. In either event, the user may begin to customize the advertisement.

**[0066]** In a preferred embodiment, the user may be presented with options to include pre-defined product ads as well as new product ads that the user may create. A pre-defined product ad is one that was created previously and saved into memory (e.g., stored into a database or otherwise on a computer memory). Alternatively, the pre-defined product ad may be saved as part of a template, in which case the next time a template is used, it may be defined to include the pre-defined product ad. Preferably, templates include additional areas that permit new products to be advertised. **FIG. 1** illustrates a template that includes pre-defined advertisements, as well as providing blocks where custom product ads may be placed. One way of readily identifying areas where new product ads may be placed is by coloring an area of the template with a color. That way, a user readily sees a blank portion on the template and may "import" (or otherwise add by way of an editor) a new product ad.

**[0067]** In one embodiment, a template may include a predetermined window that permits a user to specify an expiration date for an advertisement, or even a range of effective dates for the advertisement. For example, the user may be presented with a menu to enter two dates "D1" and "D2", and the menu may automatically add text to the template that provides that the advertisement is good from D1 through D2.

**[0068]** Preferably, each template includes areas wherein a user may add custom text. Custom text may describe a particular product or refer to the overall advertisement (e.g., "Special Sale," "25¢ We Install" or "We appreciate your business.>"). A user friendly way of designing this feature is to

provide an area on the template wherein text and/or images may be added simply by clicking on the area and pasting the text and/or images. Optionally, a menu may be used to enter custom text and/or images into an area on a template. For purposes of this document, areas wherein custom text and/or images may be placed shall be referred to as "advertisement areas" or, more simply, "ad areas." The ad area may be configured to be a square, a rectangle, a circle, or other geometric shape. Color may also be used to designate the physical limits of an ad area. An ad area may also be comprised of multiple boxes. For example, an ad area may have one box for an image file, one box for text, and one box for a price. (The use of the term "box" is not intended to be limited to any particular geometric shape.)

[0069] In a preferred embodiment, the template may include multiple ad areas, and the ad areas may be different shapes and/or sizes. Each of the multiple ad areas may be the same or a different color. Each of the multiple ad areas, preferably, may be easily modified in terms of placement on the template, as well as in terms of physical size. The ability to adjust the placement and/or the size of each ad area will facilitate the design process.

[0070] An ad area may be customized, for example, to emphasize a theme, such as Independence Day Sale, Memorial Day Sale, or even, Congratulations to the Local Graduating Class. When used for developing a theme, the ad area may be used to hold a graphic image (such as fireworks, flags, or a graduation cap) and/or text directed to the theme. Once a theme is developed, a user may choose to save the theme template as a custom template for future use.

[0071] An ad area on a template may be configured to receive one or more product references, thereby permitting a user to customize a template in the process of creating an advertisement. A user may customize a template by adding one or more product references to the template. A product reference may include images of a product to be advertised and/or custom text that describes one or more aspects of the product (e.g., price, size, weight, specifications, etc.). A product reference may include other information relating to the product, for example, SKU numbers, barcodes, trademarks, logos, etc. For purposes of this document, information concerning a product to be advertised such as, for example, one or more of text blocks which may include pricing information, pictures, characters, images, designs, sketches, colors, manufacturer logos, shall be referred to individually and collectively as a product reference. The overall appearance of the desired information (i.e. collection of chosen product references) for a particular product or products may also be referred to as product presentation.

[0072] In a preferred embodiment, the system and the method of the present invention may provide the user with assistance in setting the price for a product to be advertised. For example, the present invention may provide the user with historical pricing information for the product being advertised (for example, a 50 foot long roll of masking tape), and/or pricing information on products within a particular category (for example, all rolls of masking tape). This feature will help to minimize the occurrence of pricing errors, which will help to minimize damage to good will associated with such errors. The pricing information provided by the pricing assistance program may include, lowest sale price, highest regular price, average sale price, etc.

[0073] It is contemplated that a user may desire to choose among multiple product references for the identical product. For example, a user may select a first product reference that includes an image of "Product A" and text describing Product A. Alternatively, a user may select a second product reference that comprises only text describing Product A. Alternatively, a user may select a third product reference that comprises only an image of Product A. In addition, the user may select a fourth product reference, which is similar in all respects to the first product reference, but which has a different layout of the image relative to the text. For example, the image may be larger in one product reference, and the price may be in a larger font or type size for emphasis.

[0074] The option to choose between the first product reference and the fourth product reference will permit a user to design an advertisement with consistency from product ad to product ad, or to choose layout variety from product ad to product ad. In a preferred embodiment, the user will have multiple product references for each given product, which references vary in both content as well as layout.

[0075] When designing an advertisement, a user may have the option of adding one or more product references to the template. Preferably, the user is presented with a plurality of product references from which to choose. The presentation of the product references on a computer screen may include an image of a particular product and/or text that describes one or more aspects of the product. Often, a user may have thousands of products that it may be interested in advertising. In such a case, it is preferable that the product references be organized by at least one methodology, and more preferably, by multiple methodologies. For example, product references may be organized generally by generic category descriptions (say, "Books," "Magazines," "Clothing," "Gifts," "Hardware," etc.) It may be preferred that the generic categories have subcategories as well. For example a generic category such as "clothing" may be further categorized into "boots," "hats," "jewelry," "shirts," etc. Another methodology for organizing product references is by individual vendors who supply products. By clicking on one of the two windows, the user is provided with a pull-down menu of categories or vendors, and by selecting one of the provided references, the user is further provided with a portion or all of the product references that are associated with the user's prior selections (e.g., all of the hats, some of the shoes, etc.).

[0076] The system maintains in a memory storage device a list of product references. In a preferred embodiment, the present invention includes a database of product references, which database can be readily accessed and regularly updated. The database may be organized such that each product reference is allocated a record, which includes an image (or a reference marker that associates an image with the product), and text (or other information) that describes one or more features of the product (for example, title, price, weight, etc.). Of course, the present invention contemplates that many other known means of organizing data and databases may be used to maintain a plurality of product references for purposes of this invention.

[0077] The present invention may also utilize multiple databases of product references. This is especially useful when the user is a local office of a national chain. For example, the present invention may use one database of

product references for products that are advertised nationally, and a second database of product references for products that are advertised locally. This will permit a user to participate in a national advertisement campaign, and yet permit the user to add products that are important to a local clientele.

[0078] In one embodiment, the user may be provided with the option of using a logo or trademark of a manufacturer for a particular product. This will permit potential users to readily identify the manufacturer of a product that is being advertised. In another embodiment, the optional logo and/or trademark may be included as part of a product reference, and may even be stored in a database of product references, with reference markers associating the logo with the appropriate products.

[0079] The present invention also provides the user with the ability to input new product references. In a preferred embodiment the present invention would include a image capture device (such as a digital camera or scanner) which would permit the user to input an image of the product to be advertised. The new product reference optionally would include custom text that describes one or more aspects of the product. Preferably, the system would update its plurality of product references (e.g., by updating its database of product references) to include the new product reference and make it available for the user to select and add to a template.

[0080] In a preferred embodiment, the ad area on a template is configured to work with a product reference. For example, the product reference may be stored as an image file. If the image file is a fixed image of 2"x2", then ad areas may be configured to accept images of the same size, namely, 2"x2".

[0081] More preferably, the ad area on a template is adjustable such that the ad area may be adjusted in size in such a fashion that the product reference is automatically formatted and adjusted in size to fit the resized ad area. In this embodiment the invention takes the dimensions of an ad area (which may be pre-defined, or which may be measured dynamically) and then scales an image file (which image file may include text and/or photographs) of a product reference to fit the dimensions of the ad area. Of course, one skilled in the art will appreciate that this feature may be designed to operate in other fashions. Such an automatic resizing feature has the unexpected advantage of permitting the memory-stored product references to be automatically and dynamically adjusted without having to occupy additional memory space. Moreover, this feature has the surprising advantage of providing a user with great flexibility in designing a custom advertisement. This feature also has the additional advantage that product images may be stored in any dimension (and, in fact, may be stored at varying image dimensions).

[0082] An example will readily demonstrate the flexibility of an automatic resizing feature. A user designs a template to include five ad areas, each of which is of a different size. The user utilizes a single database of product references and places a different product reference in each of the five ad areas. Without any additional effort on behalf of the user, each of the five product references is adjusted in size to fit within each of the five user-defined ad areas. Moreover, because of the automatic resizing feature, a user could rearrange the product references on the same template, and the product references would be automatically resized and

re-formatted to fit within its new ad areas. This feature permits quick and easy revisions to the layout of an advertisement.

[0083] The automatic resizing feature also has the unexpected advantage that it can readily accommodate new product references. If for example, in creating a new product reference, the scanner scans a photograph of a product that is 4"x6", the new product reference can incorporate the entire image file. When the product reference is ready to be added to an advertisement, the system and method of the present invention may automatically adjust the size of the original image file (in this case, 4"x6") to fit within the dimensions of the particular ad area in the designated template.

[0084] It is envisioned that the automatic resizing feature may operate on all formats of product references. For example, where the product reference is comprised entirely of text and stored in an ASCII format, the automatic resizing feature may adjust the font, type size and/or the layout of the text to fit into a predetermined ad area. Also, where the product reference is comprised entirely of an image and stored in an image format, the automatic resizing feature may adjust the size of the image to fit into a predetermined ad area. It is also envisioned that the automatic resizing feature may also make any other necessary conversions to accommodate a product reference. For example, if a predetermined ad area is formatted to receive only an image file, and the selected product reference is stored as text, the automatic resizing feature may be expected to convert the text into a desired size such that the product reference may be placed upon the particular ad area.

[0085] In the case where an ad area is comprised of multiple boxes, the user may be presented with an opportunity to input a sale price for a particular item. The user may be presented with a "price window" which is specifically reserved for pricing information, or the user may be presented with a custom text window, wherein the user may enter pricing information as part of the custom text. If the ad area includes a box for an image file, the user may be presented with an opportunity to input an image file (for example, from the product reference database).

[0086] In a preferred embodiment, the user is provided with an opportunity to preview the advertisement as it will look when printed. One way to provide this opportunity is with a "preview" button which upon clicking will automatically display or print an image that looks very much like the final advertisement as it should be printed.

[0087] In a preferred embodiment, the system and the method of the present invention may provide the user with assistance in designing the layout of an advertisement. For example, the present invention may provide the user with an opportunity to identify one or more priorities that the present invention may use in advising the user on a preferred layout. Sample priorities may include the following: maximum size of product image; maximum number of advertised products per page; minimum separation between product references; maximum font or type size; minimum font or type size; predetermined number of product references per page; grouping by manufacturer; and grouping by product category. For purposes of this document, this feature shall be referred to as priority-based layout assistance. The priority-based layout assistance may be utilized on a template that

has already been designed by the user, in which case the assistance program may be used to optimize the layout.

[0088] In another preferred embodiment, the user may submit a template and a list of product references to be automatically laid-out by the priority-based layout assistance program. It is contemplated that a user may reset priorities and then preview the results based on the new list of priorities. The priority-based layout assistance will work especially well when each product being advertised has multiple product references from which the assistance program may choose. For example, if a top priority is maximum product image size, the assistance program may layout the initial draft advertisement using those product references with the largest images. This means that the product references may include information describing the differences between the various product references for each product. For example, the database of product references may be designed to hold up to 10 product references for each product, whereby the product references are organized from largest product image to smallest product image. In any case, the priority-based layout assistance may provide better refinement in circumstances when there are multiple product references for each of the products being advertised.

[0089] When the advertisement has been designed (i.e., when the template has been designed and edited to include all of the products and information that the user decided to include), the user may review the preview as displayed by the computer or the present invention may generate a hard-copy preview or printer's proof for the user to review. How and where the proof is generated depends upon the advertising format that is being used. For example, for a black and white advertisement, the proof may be generated at a printer operated by the user (on the premises of the user). If a multi-colored glossy circular is desired, the proof may be generated by a professional printer that is located remotely relative to the user. To generate a preview, the present invention may transmit electronically the advertisement to a commercial printer, who may process and create an electronic preview or print a hard-copy proof of the final advertisement.

[0090] A user may review the preview to confirm that the draft advertisement as created using the present invention is acceptable in terms of content, design, quality, etc. If the user approves of the preview, the final advertisements may be printed, and preferably, in accordance with any printing specification that may have been provided by the user. In addition, the invention may offer the user an automatic checking feature of prices, quantities, inventory availability (e.g. in store availability or availability from distributor or manufacturer facilities) or other options (e.g. size, color, composition) against preset or predetermined parameters.

[0091] It is contemplated that the present invention may be implemented in a manner that provides an account for a user to access, and further that the account provides access to a memory storage device where the user may store data and other information relevant and/or unique to the user. For example, a host computer that may be accessed through an Internet connection may store product references, templates, and other custom information for a user, such that when a user logs into its account, the information is readily available. This approach will also permit certain additional convenience features. For example, a user's files, data,

orders, and other information may be automatically saved for the benefit of the user. Further, saving can be set up to occur automatically at periodic intervals, as well as automatically upon the termination of an account session (e.g., upon log-off). The user may also be presented upon a subsequent login, the option of editing a prior session's advertisement or creating a new advertisement. Automatic saving features have the advantage of significantly reducing the risk of lost data, which consequently helps to reduce the time associated with creating subsequent advertisements.

[0092] In one embodiment of the present invention, the methods and systems may provide delivery options. For example, a user may choose from a plurality of delivery options that include a) a direct mailing to potential users whose names and addresses are provided by the user, b) a direct shipping to a newspaper publisher, and c) a direct shipping to the user at one or multiple locations. When a direct mailing is selected, the user may preferably provide a data file of names and addresses of persons who will receive hard copies or electronic direct mailings. The data file may be provided, for example, via the Internet or a storage media (e.g. hard drives, zip disks, CDs, diskettes).

[0093] In one embodiment of the present invention, the methods and systems may provide print schedules. Print schedules permit a user to plan the logistics of meeting a particular advertising goal. For example, a print schedule may include two dates: 1) a distribution date—which is the date by which a user may wish to have its advertisements distributed; and 2) a publication deadline—which is a date by which the proposed advertisement should be completed in order to meet the distribution date. These dates are typically set by a user based upon the requirements of the user's business and the schedules of the commercial printers that the user will be using in the printing process.

[0094] In one embodiment, a user may be presented with a plurality of schedules from which the user may choose. In another embodiment, the user may input a distribution date, and the present invention may calculate the publication date based upon a pre-determined formula (for example, a particular printer requires two weeks notice to print a job).

[0095] In another preferred embodiment, the user may submit a template and a list of product references to be automatically laid-out using the pre-defined template and the order of the list of product references. It is contemplated, as well, that a user may define a set of priorities and generate a draft advertisement based on the list of priorities. The priority-based layout assistance will work especially well when each product being advertised has multiple product references from which the assistance program may choose. The advantage of this approach is that the user minimizes its demands on the network interface (e.g., a modem connection). By transmitting the template information and the list of product references, the user avoids having to deal with multiple, large image files, and thus, a significant time savings may be realized. Moreover, the system and method of the present invention contemplates that the host computer may compile a draft advertisement using the template information and the list of product references, which draft advertisement may be transmitted directly from the host computer to commercial printers. In this fashion, the bandwidth demands of the user's network interface are lessened, resulting in a savings on the development time and increased reliability.

[0096] Other embodiments and uses of the invention will be apparent to those skilled in the art from consideration of the specification and practice of the invention disclosed herein. All references cited herein, including all U.S. and foreign patents and patent applications, are specifically and entirely hereby incorporated herein by reference. It is intended that the specification and examples be considered exemplary only, with the true scope and spirit of the invention indicated by the claims below. As will be easily understood by those of ordinary skill in the art, variations and modifications of each of the disclosed embodiments can be easily made within the scope of this invention as defined by the claims below.

1. A computerized method for a user to create an advertisement, comprising:

displaying on a computer a plurality of advertising formats for selection by the user;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats;

displaying on the computer a plurality of product references for selection by the user;

displaying on the template at least one selected product reference to create a proposed advertisement; and

creating a preview of the proposed advertisement.

2. The computerized method of claim 1 further comprising:

submitting to a remote site, through a networked connection with the computer, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications including at least one of: a quantity, printing information, a ship date, delivery or shipping instructions, destination information, pricing information, a paper type, and a payment method;

creating a preview of the proposed advertisement at the remote site; and

creating advertisements that correspond to the proposed advertisement in accordance with said specifications at the remote site.

3. The computerized method of claim 1 wherein the step of creating a preview of the proposed advertisement is selected from the group consisting of: a) displaying a preview of the proposed advertisement on a computer and b) printing a hard-copy preview of the proposed advertisement.

4. The computerized method of claim 1 wherein the step of displaying on the computer a plurality of product references for selection by the user comprises:

displaying a menu of a plurality of product categories for selection by the user; and

displaying on the computer, in response to selection by the user, a plurality of product references that correspond to a selected product category.

5. The computerized method of claim 1 wherein the step of displaying on the computer a plurality of product references for selection by the user comprises:

displaying on the computer a menu of a plurality of vendors for selection by the user; and

displaying on the computer, in response to selection by the user, a plurality of product references that correspond to a selected vendor.

6. The computerized method of claim 1 wherein the step of displaying on the template at least one selected product reference comprises:

displaying on the template at least one advertisement area for selection by the user;

displaying on a selected advertisement area at least one selected product reference; and

displaying on the selected advertisement area information for the at least one selected product reference.

7. The computerized method of claim 6, wherein the information is pricing information.

8. The computerized method of claim 1 wherein the selected advertising format is chosen from the group consisting of a circular, a newspaper advertisement, a hard-copy banner, an electronic banner, a flyer, signage, direct-mail advertisements, electronic-mail advertisements, a store newsletter and combinations thereof.

9. An electronic method for a user to create an advertisement, comprising:

accessing a web site through a computer;

displaying on the computer a plurality of advertising formats for selection by the user;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats;

displaying on the computer a plurality of product references for selection by the user;

displaying on the template at least one selected product reference to create a proposed advertisement;

submitting to a remote site, via a network connection, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications including at least one of a quantity, printing information, a ship date, delivery or shipping instructions, destination information, a paper type, pricing information, and a payment method;

creating, at the remote site, a preview of the proposed advertisement;

making the preview available to the user for review; and

creating, in accordance with the specifications, the advertisement that corresponds to the proposed advertisement.

10. The electronic method of claim 9 further comprising:

displaying on the computer a menu whereby the user may enter information concerning at least one custom product reference; and

displaying on the template at least one custom product reference in addition to the at least one selected product reference.

11. The electronic method of claim 9 wherein the step of displaying on the computer a plurality of product references for selection by the user comprises:

displaying on the computer a menu of a plurality of product categories for selection by the user; and



displaying on the computer, in response to selection by the user, a plurality of product references that correspond to a selected product category.

12. The electronic method of claim 9 further comprising:

logging into an account that is maintained on the web site using information that uniquely identifies the user;

automatically saving, in response to the completion of each step, the proposed advertisement as a prior proposed advertisement, such that upon a subsequent login into the account, the user will be presented with an option of editing the prior proposed advertisement.

13. The electronic method of claim 9 further comprising printing a plurality of the advertisements at said remote site and choosing a delivery option for the printed advertisements selected from the group consisting of: a direct mailing to potential users whose names and addresses are provided by the user; a direct shipping to a newspaper publisher; and a direct shipping to the user at one or more locations.

14. The electronic method of claim 13, wherein the chosen delivery option is a direct mailing to potential users, said method further comprising:

transmitting, via the Internet or a storage media, a data file comprising names and addresses of potential users to whom the advertisements should be mailed.

15. The electronic method of claim 9 further comprising:

displaying on the computer a schedule comprising two dates: a distribution date; and a publication deadline wherein said publication date is when the advertisement is expected to be completed to meet the distribution date.

16. A computerized system for creating an advertisement, comprising:

a template database for storing a plurality of advertising formats;

a product database for storing a plurality of product references;

a computer that has access to the template database and the product database, said computer capable of accessing software that can create one or more of:

a template selector for selecting at least one template from the template database;

a product selector for selecting at least one product reference from the product database, each of the at least one product reference including at least one of an image and text; or

a design interface for controlling the placement of a selected product reference on a selected template to create a proposed advertisement;

said computer having a network interface so that a user may create a proposed advertisement.

17. The computerized system of claim 16, wherein the network interface is an Internet interface, said system further comprising:

a printer to print a proposed advertisement, said printer being connected to the computer via the Internet interface.

18. The computerized system of claim 16, wherein the product selector comprises:

a menu of a plurality of product categories for selection by the user; and

a plurality of product references for at least one of the plurality of product categories.

19. The computerized system of claim 16, further comprising:

a receiver for receiving a preview of the proposed advertisement;

a transmitter for transmitting an approval for the preview, electronic files of the proposed advertisement, specifications, and an authorization to transfer or display the proposed advertisement.

20. The computerized system of claim 16, wherein the computer is capable of accessing software that can create:

a specifications interface for inputting specifications for the advertisement, said specifications including at least one of a quantity, printing information, a ship date, shipping destinations, delivery instructions, a paper type, pricing information, and a payment method.

21. The computerized system of claim 16, wherein the template selector comprises:

a menu of a plurality of advertising formats, said menu permitting a selection from the group consisting of a circular, a newspaper advertisement, a hard-copy banner, an electronic banner, a flyer, signage, direct-mail advertisements, electronic-mail advertisements, a store newsletter and combinations thereof.

22. The computerized system of claim 16, wherein the template comprises:

at least one advertisement area whereupon a product reference may be placed;

said at least one advertisement area also being capable of displaying pricing information for at least one product reference.

23. The computerized system of claim 16, wherein the product reference comprises at least one of an image of a product for sale and text.

24. A computerized system for creating an advertisement, comprising:

a template database for storing a plurality of advertising formats;

a product database for storing a plurality of product references;

a computer that has access to the template database and the product database, said computer capable of accessing software that can create:

a template selector for selecting at least one template from the template database;

a product input interface for adding new product references to the template database;

a product selector for selecting at least one product reference from the product database, each of the at least one product reference including at least one of an image and text; and

a design interface for controlling the placement of a selected product reference on a selected template to create a proposed advertisement;

said computer having a network interface to create a proposed advertisement.

25. The computerized system of claim 24, wherein the product input interface comprises:

an input for receiving digital data from an image capture device, which device can be used to generate an image of a new product;

an input for receiving textual information about the new product; and

a data marker for linking the digital data and the image.

26. The computerized system of claim 24, wherein the product input interface further comprises an image capture device selected from the group consisting of a digital camera and a scanner.

27. The computerized system of claim 24, wherein the computer is capable of accessing software that can create:

an editor for editing a product reference.

28. The computerized system of claim 24, wherein the editor is configured to edit any graphics and any text that may be associated with a product reference.

29. An Internet-based method for a user to create an advertisement, comprising:

accessing a website through a computer, said website being hosted on a host computer, and said host computer having access to a first database of advertising formats and a second database of product references;

accessing the first database to identify a plurality of advertising formats;

displaying on the computer the plurality of advertising formats for selection by the user;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats;

accessing the second database to identify a plurality of product references;

displaying on the computer the plurality of product references for selection by the user;

displaying on the template at least one selected product reference to create a proposed advertisement;

submitting to a remote site via the Internet, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications including at least one of a quantity, a ship date, a destination, delivery instructions, pricing information, printing information, a paper type, and a payment method;

creating, at the remote site, a preview of the proposed advertisement;

making the preview available to the user for review; and

displaying or transferring, in accordance with the specifications, the advertisement that corresponds to the proposed advertisement.

30. The Internet-based method of claim 29 further comprising:

displaying on the computer a menu whereby the user may enter information concerning at least one custom product reference; and

displaying on the template at least one custom product reference in addition to the at least one selected product reference.

31. An Internet-based method for a user to create an advertisement, comprising:

accessing a website through a computer, said website being hosted on a host computer, and said host computer having access to a first database of advertising formats and a second database of product references;

displaying on the computer a menu whereby the user may enter information concerning a custom product reference;

updating the second database to include the information concerning the custom product reference;

accessing the first database to identify a plurality of advertising formats;

displaying on the computer the plurality of advertising formats for selection by the user;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats;

accessing the updated second database to identify a plurality of product references;

displaying on the computer the plurality of product references for selection by the user;

displaying on the template at least one selected product reference to create a proposed advertisement;

submitting to a remote site, via the Internet, electronic files of the proposed advertisement, specifications for the proposed advertisement, the specifications including at least one of a quantity, printing information, a ship date, a paper type, pricing information, and a payment method;

creating, at the remote site, a preview of the proposed advertisement;

making the preview available to the user for review; and

displaying or transferring, in accordance with the specifications, the advertisement that corresponds to the proposed advertisement.

32. A method whereby a user operates a computer to create an advertisement, comprising:

selecting an advertising format from a plurality of advertising formats stored on a computer;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats, said template including a plurality of advertising areas;

selecting one of a plurality of product references, each of said product references comprising at least one of an image and text;

importing the selected product reference onto one of the plurality of advertising areas to create an advertisement, whereby said advertising area is configured to automatically format the selected product reference to fit within physical dimensions of the advertising area.

33. The method of claim 32, wherein the product advertising area is configured to automatically scale the selected product reference to fit within physical dimensions of the advertising area.

34. The method of claim 32, wherein the advertising area is configured to automatically convert the product reference into a scaled image with physical dimensions that are about the same as the physical dimensions of an advertising area.

35. A method whereby a user operates a computer to create an advertisement, comprising:

selecting an advertising format from a plurality of advertising formats stored on a computer;

displaying on the computer, in response to selection by the user, a template that corresponds to a selected one or more of the plurality of advertising formats, said template including a plurality of advertising areas;

selecting a plurality of product references, each of said product references comprising at least one of an image and text;

specifying at least one rule of priority for laying out the plurality of product references onto the plurality of advertising areas;

generating an advertisement whereby the plurality of product references are placed onto the plurality of advertising areas in accordance with the at least one rule of priority.

36. The method of claim 35, wherein the step of selecting a plurality of product references comprises:

selecting a plurality of products to be advertised, each of said products having a corresponding plurality of product references, each of which product references comprises image, text or image and text, and each of which corresponding product references differ in size of an image and size of a text font,

wherein the rule of priority is to maximize the size of the images for each of the selected products, when said product references are laid-out on a template.

37. The method of claim 35 whereby the rules of priority are chosen from the group consisting of: maximum size of product image; maximum number of advertised products per page; minimum separation between product references; maximum font size; minimum font size; predetermined number of product references per page; grouping by manufacturer; and grouping by product category.

38. A computerized system for creating an advertisement, comprising:

a template database for storing a plurality of advertising formats;

a product database for storing a plurality of product references;

a computer that has access to the template database and the product database, said computer capable of accessing software that can create:

a template selector for selecting at least one template from the template database, each of said at least one templates having at least one advertisement area;

a product selector for selecting at least one product reference from the product database, each of the at least one product reference including at least one of an image and text; and

a design interface for controlling the placement of a selected product reference onto an advertisement area of a selected template to create a proposed advertisement, said design interface including software to automatically format the selected product reference to fit within physical dimensions of an advertising area;

said computer having a network interface to create a proposed advertisement.

39. A computerized system for creating an advertisement, comprising:

a template database for storing a plurality of advertising formats;

a product database for storing a plurality of product references;

a computer that has access to the template database and the product database, said computer capable of accessing software that can create:

a template selector for selecting at least one template from the template database, each of said at least one templates having a plurality of advertisement areas;

a product selector for selecting a plurality of product references from the product database, each of the product references including at least one of an image and text;

a design interface that permits a user to specify at least one rule of priority for laying out the plurality of product references onto the plurality of advertisement areas; and

an advertisement generator that generates a proposed advertisement wherein the plurality of product references has been laid out on the plurality of advertisement areas, all in accordance with the at least one rule of priority;

said computer having a network interface to create a proposed advertisement.

40. The method of claim 39 whereby the network interface is selected from the group consisting of an Internet connection, a broad-band based connection, a modem connection, connection through storage media, and combinations thereof.

\* \* \* \* \*

**RELATED PROCEEDINGS APPENDIX**

**Related Proceedings**

None